



Crl.O.P.No.6047 of 2024

Crl.O.P.No.6047 of 2024

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.263 of 2022 registered by the respondent Police for the offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act and under Section 506(1) of IPC.

2. It is the case of the prosecution that the complaint had been lodged by the defacto complainant that he had borrowed a sum of Rs.2,79,50,000/- between 18.07.2018 and 21.07.2018.

3. It is alleged that he had repaid a sum of Rs.3,35,27,500/- between 18.07.2018 and 22.08.2019 and had repaid a sum of Rs.4,50,55,000/- by cash between 21.07.2018 and 26.02.2020. Since further amounts had been demanded, the complaint had been lodged.

4. The learned counsel for the petitioner stated that the defacto complainant had owned an industrial land and shed and there was an agreement of sale between the petitioner and the defacto complainant and



Crl.O.P.No.6047 of 2024

towards part consideration, the petitioner had paid more than Rs.5/- Crores and the parties had entered into an agreement of sale. Thereafter, without notice to the petitioner and the defacto complainant had sold the land and shed to a third party.

5. It is also stated that towards the borrowal and the advance amount received, the defacto complainant had also issued cheques which had returned dishonoured when presented for payment necessitating the petitioner herein to lodge complaints under Section 138 of Negotiable Instrument Act.

6. The learned counsel for the petitioner stated that the petitioner herein would prosecute in the manner known to law the proceedings under Section 138 of Negotiable Instrument Act, and with respect to the agreement of sale entered into by the defacto complainant.

7. It is also stated that the complaint is false and there is no such demand as alleged in the First Information Report and there will also be no demand in future as stated in the First Information Report except to proceed



Crl.O.P.No.6047 of 2024

under the provision of Negotiable Instrument Act and to seek performance of the agreement of sale.

8. However, taking all the other factors into consideration and that there are no previous cases as against the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Hosur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



Crl.O.P.No.6047 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.03.2024

rjr



WEB COPY



Crl.O.P.No.6047 of 2024

C.V.KARTHIKEYAN, J.

rjr

Crl.O.P.No.6047 of 2024

13.03.2024