

In the Court of Judicial Magistrate No.I, Madurai.

Present: Tr.M.Padmanaban,B.A.,B.L.,

Judicial Magistrate No.I (I/c),Madurai.

Dated of this 06th July 2020

Cr.M.P.No.1444/2020

Balamurugan, S/o.Kanthasamy.

– Petitioner/Accused.

Vs

State through of

The Inspector of Police, CCB., P.S.

Cr.No.17/2020, U/s.420 IPC.

--Respondent.

Bail Order

The Bail Petition received through e-Mail. Heard, through conference call. On perusal of records the petitioner/Accused is alleged to committed an offence U/s.420 IPC and same the Accused was remanded to Judicial custody from 16.06.2020. The petitioner counsel represented that the Petitioner/Accused is innocent and he has not committed any offence as alleged in F.I.R. Defacto complainant and the Petitioner have jointly doing export business and defacto complainant for that purpose paid a some amount to the Petitioner/Accused. Thereafter the defacto complainant made a complaint before the respondent police based upon the complaint there was a settlement arrived and that the Petitioner/Accused have to pay a sum of Rs.21,60,000/- to the defacto complainant. Accordingly the Petitioner/Accused already paid Rs.3,50,000/- to the defacto complainant and due to Covid'19 Lock Down the Petitioner/Accused not able to settle the further amount as agreed. Hence the defacto complainant gave this complaint and this case was falsely lodged and the Petitioner's earlier bail petition was dismissed by this court, further the Petitioner already taken a Demand Drafts for a sum of Rs.1,00,000/- in favour of the defacto-complainant as a part payment. And the Petitioner/Accused ready to settle the remaining amount. Further the petitioner/Accused is ready to furnish sufficient sureties for his release and for future attendance. Hence, pray bail.

In turn reply received from Respondent Police and same the prosecution objected that the case is under investigation. The Petitioner/Accused committed an offence as alleged in the F.I.R. and not settled the amount to the defacto complainant as agreed. The Petitioner's Anticipatory Bail Applications were already dismissed by the Honourable High Court and the Honourable Principal District Court, Madurai and the co-accused not yet arrested. If the petitioner/Accused may be released on bail he should be abscond and to tamper the witness. Hence, pray for dismissal.

On the side of defacto-complainant advocate Mr.Lakshmi Shankar filed an intervener application and argued that the Petitioner and his wife were jointly committed an offence as alleged by the F.I.R. further there is no settlement arrived between the Pettitioner and the defacto complainant and the Petitioner's Anticipatory bails were dismissed by the Honourable High Court and the Honourable Principal District Court, Madurai, and the co-accused not yet arrested. Hence he pray for dismissal of bail.

In this circumstance, considering facts of the case, nature of the offence, period of custody, and the amount involved in this crime and the alleged settlement stated by the Petitioner side is not accepted by the defacto-complainant side, and there is no change of circumstances this court not inclined to grant bail to the petitioner/Accused. Accordingly this bail petition is dismissed.

(Sd.)M.Padmanaban,(06.07.2020)

Judicial Magistrate No.I, (I/c),
Madurai.

