

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, MADURAI.

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

Judicial Magistrate No.II, Madurai.

Dated this the 04st September 2020

Cr.M.P.No.1659/2020

Vadivel Karuppaiah S/o. Kanthasamy.

....Accused.

// Versus //

**State through the Inspector of Police,
Tallakulam (Cr.)PS. Cr. No.241/2020,
Offence U/s 406,420 IPC.**

.....Complainant.

Date of Remand:30.08.2020.

This bail petition is coming before me on this day in the presence of Thiru. Sundar Rajan, Advocate for the accused and A.P.P. for the prosecution this Court passed the following:

ORDER

Heard. Perused. Petitioner /Accused was alleged to have been committed an offence u/s.406, 420 IPC. The Petitioner /Accused was arrested and remanded to Judicial custody on 30.08.2020.

The Petitioner /Accused argued that the Petitioner /Accused not committed any offence as alleged by the prosecution and hence prays for bail. Reply received from the A.P.P. & Police. The Defacto-Complainant through intervening petition objected to grant bail to the Petitioner /Accused . Both APP and Defacto complainant have strongly opposed to grant bail to the Petitioner /Accused.

Rival submissions considered. The case of the prosecution is that the Petitioner /Accused had cheated about Rs.20 lakhs from the Defacto Complainant. FIR registered on 03.02.2020. Petitioner /Accused granted anticipatory bail on 20.02.2019 in CrI.O.P(MD).No.12754/19 by the Hon'ble Madurai Bench of Madras High Court, in which Petitioner /Accused had given an undertaking that he would directly pay a sum of Rs.10 lakhs to the Defacto Complainant within a period of four weeks from the date of receipt of the order. That undertaking was breached by the Petitioner /Accused and failed to pay the above said amount. For violating the order of the Hon'ble High Court, the Defacto Complainant filed criminal contempt. Petition(MD)No.668/2020 and the

same is pending.

The Petitioner /Accused was in Judicial Custody for the past 5 days only. Hence considering the Judicial custody of the Petitioner /Accused and violating of the order of the Hon'ble High Court and criminal contempt pending before the Hon'ble High Court, Co-accused not yet secured by police, this court not inclined to grant bail to the Petitioner /Accused .

Accordingly this bail petition is DISMISSED.

**(Sd.)M. Padmanaban.
Judicial Magistrate No.II,
Madurai.**