

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 819 OF 2015

Rajesh Kallimangalam Padmanabhan. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Subhash Jha i/b. Law Global, advocate for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 29, 2015

P.C.:

1 The learned Counsel for the applicant upon instructions seeks liberty to withdraw the application with further liberty to approach the Sessions Court once again under Section 438 of the Code of Criminal Procedure, 1973.

2 It is seen from the orders that on 9/2/2015 the learned Counsel for the applicant had sought time to take instructions in respect of withdrawal of the application, however, the applicant had neither turned up, nor was present on the scheduled date i.e. on 12/2/2015. The learned Sessions Court was pleased to consider the request made

by the applicant on the earlier occasion and it therefore, disposed of the said application.

3 Learned Counsel for the applicant fairly submits that in all probabilities, the Court was not inclined to grant bail, therefore, request for withdrawal was made. However, judicial propriety requires that the application be heard on merits and this Court would not take into consideration only the submission made by the learned Counsel appearing for the applicant.

4 In view of this, the application stands dismissed as withdrawn with liberty to the applicant to approach the Sessions Court under Section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Court shall not be influenced by the withdrawal of this application or by the earlier order and shall consider the application on its own merits.

5 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)