



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.10455 of 2018

IN

CRL OP(MD) No.SR41622 of 2018

1 RAJESH
2 MARUDAMUTHU

... PETITIONERS/ACCUSED No. 1 & 2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
TANJORE DISTRICT.
IN CR NO. 312 OF 2018

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to permit the petitioners to file this Bail Petition in Crime No. 312 of 2018 before this Honourable Court, by without filing it before the concern sessions Court

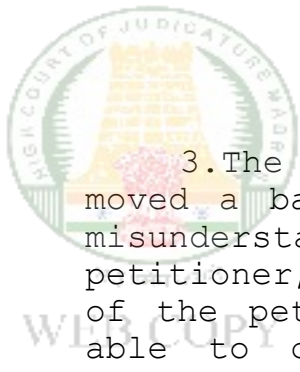
PRAYER IN CRL OP(MD) No.SR41622 of 2018

To enlarge these petitioners on bail in Crime No. 312/2018 on the file of the Inspector of Police, Pattukottai Town Police Station, Tanjore District and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.SHANMUGA RAJA, Advocate for the petitioners and of MR.K.SUYAMBULINGA BHARATHI, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The petitioner had filed this miscellaneous petition without assigning any reasons seeking permission to file the bail petition before this Court directly without moving before the Sessions Court.

2.When the case was listed on 18.12.2018, the learned counsel for the petitioner submits that he is unable to give the reasons in the open Court and speak in a very hesitant manner. Thereafter, the case was listed today (i.e.,19.12.2018 at 2.15 p.m.) in the Chambers. Today when the case taken up in the Chambers the learned counsel for the petitioner and the Government Advocate (Crl. Side) were present.



3.The learned counsel submitted that the petitioner earlier moved a bail application before the Lower Court. Since there was misunderstanding between the Advocate and the family members of the petitioner, he was unable to continue. Despite, the family members of the petitioner approached three or four Advocates, no one was able to continue the bail application. Therefore, since the petitioner is unable to move the bail application before the Sessions Court, he has come forward with this petition directly.

4.When enquired with regard to the name of the Advocate and particulars of the Advocate and the reasons for the obstacles, the counsel for the petitioner was unable to give any reason. Further for the suggestion mooted out that the petitioner may approach the legal aid authority at Thanjavur and necessary instructions could be given by this Court to help them, the counsel was not willing for the same. On the other hand the counsel for the petitioner started to argue the case on merits stating that the petitioner is in incarceration for more than 55 days and petitioner's brother's marriage is to be held during January 2019 and sought bail, which is not necessary at this stage. Sensing that the miscellaneous petition is to be dismissed, the petitioner sought permission of this Court to withdraw the same. It was allowed. Thereafter, the petitioner made an endorsement seeking to withdraw the petition.

5.In view of the same, this petition is dismissed as withdrawn.

sd/-
19/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
TANJORE DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL MP (MD) No.10455 of 2018
IN
CRL OP (MD) No.SR41622 of 2018
Date :19/12/2018