

Item supp 1-2

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Bail Application No. 28 of 2019

Ph. (N) K.(O) Romita Devi

... Petitioner/s

- Versus -

State of Manipur & 5 Ors.

... Respondent/s

With Bail Application No. 29 of 2019

Ph. (O) L.(N) Landhoni Devi

... Petitioner/s

- Versus -

State of Manipur & 5 Ors.

... Respondent/s

**BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN**

27.09.2019

Since the petitioner who is accused in FIR No. 138 (7) SJM P.S. U/s 305/34-IPC & Sec.75 of Juvenile and Justice (Care & Protection of Children) Act 2015 added Section 420/302 IPC filed this bail application before this Court seeking the bail.

Admittedly, after hearing elaborately the argument from Mr. N. Jotendro, learned senior counsel for the petitioner. This Court has come to the conclusion that the petitioner without exhausting the remedy before the Learned Session Judge by invoking Section

439 of Cr.P.C., but the petitioners directly approaching this Court and filed this bail application.

Admittedly, it is not acceptable one and it is totally by passing the procedure already laid down in the Act as well as by the Hon'ble Supreme Court.

The Hon'ble Supreme Court has time and again in various judgments very clearly says that the accused persons, if the offences triable by Learned Sessions Court without exhausting the remedy before the Learned Session Judge cannot directly approach the High Court for bail, but in this case, that the offence was registered U/s 305/34-IPC & Sec.75 of Juvenile and Justice (Care & Protection of Children) Act 2015 added Section 420/302 IPC.

Therefore, on coming to know, this question was posed to the Learned Senior Counsel, who in turn seeks permission to withdraw this bail application and to move before the Learned Sessions Court.

Accordingly, this bail application is dismissed as withdrawn. and the petitioner is permitted to file an application before the Learned Sessions Judge, Imphal West for trial.

The Learned Sessions Judge is directed to issue notice to

the learned PP and prosecution is directed to file objection immediately and the Learned Sessions Judge is directed to dispose the application on or before 09.10.2019 on merits without giving any adjournment to either parties.

Before disposing this case, this Court wants to give a general direction to the Registry of this Court as follows :-

The Registry of this Court is directed not to entertain or number any petitions to be filed by the accused person by invoking Section 439 Cr.P.C. for bail directly before this High Court without exhausting the remedies available under Section 439 Cr.P.C. before the Learned Sessions Court for the offences triable by Sessions Court.

Issue order copy today.

JUDGE

Larson

WAIKHOM
TONEN MEITEI

Digitally signed by WAIKHOM
TONEN MEITEI
Date: 2019.09.27 14:56:26 +07'00'