

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7218/2007
(From the judgement and order dated 28/09/2007 in MCC No. 8803/2007
of The HIGH COURT OF M.P AT JABALPUR)

MAMTA SINGH

Petitioner(s)

VERSUS

STATE OF M.P.
(With appln(s) for bail)

Respondent(s)

Date: 05/05/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr.Rajesh Singh,Adv.

For Respondent(s) Ms. Vibha Datta Makhija,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed. The High Court will decide the
matter on its own merits as expeditiously as possible.[Charanjeet Kaur]
Court Master[Vinod Kulvi]
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL NO. 807 OF 2008
(Arising out of SLP(Crl.) No. 7218/2007)

Mamta Singh

.. Appellant(s)

Versus

State of M.P.

.. Respondent(s)

ORDER

Leave granted.

The present appeal is directed against an order passed by the High Court rejecting the bail application. From the facts, it is clear that earlier, an application for bail was instituted by the appellant which was withdrawn. Thereafter, again similar application was filed and the High Court rejected it by observing as under :

"This is a repeat bail application. The earlier one was dismissed as withdrawn with liberty to file afresh in the light of subsequent events vide order dated 14.08.2007 passed in M Cr.C. No. 7343/07.

No material change in the circumstances of the case has occurred thereafter.

The bail application, therefore, stands dismissed in limine."

In our opinion, when earlier application was withdrawn by the accused, the High Court was obliged to pass an appropriate order. Since the earlier application was withdrawn, the High Court had not considered it on merits. Hence, now it has to be considered on merits. Considering the merits of the matter if the High Court is satisfied, it

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may grant the prayer and if the High Court is not satisfied, it may reject the application. But the High Court could not dismiss the application only on the ground that the earlier application was withdrawn. Only on that ground, the appeal is allowed. The High Court will decide the matter on its own merits as expeditiously as possible.

.....J
[C.K. THAKKER]

[D.K. JAIN]

NEW DELHI,
MAY 05, 2008.