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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010328332026

+ **BAIL APPLN. 2924/2026, CRL.M.A. 24124/2026**

PRADEEP RATHI @ TOTA

.....Petitioner

Through: Mr. Abhinandan Gautam, Mr.
Harsh Rana, Mr. Anish Sharma,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvair Singh Chauhan, APP
ACP Bhagwati Prasad, Insp
Arvind Kumar, AGS/Crime
Branch

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **01.09.2026**

1. By way of the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the applicant seeks regular bail in connection with FIR No. 82/2017, dated 01.06.2017, registered at Police Station Crime Branch, Delhi, under Section 3 of the Maharashtra Control of Organised Crime Act, 1999 ["MCOCA"].
2. Mr. Abhinandan Gautam, learned counsel for the applicant, has filed CRL.M.A. 24124/2026 seeking withdrawal of the present bail application, with liberty to challenge, by way of an appeal, the order of learned Trial Court dated 01.06.2026, declining bail to the applicant.
3. By order dated 10.08.2026, learned counsel for the parties had been



requested to assist the Court on the question of maintainability of the present bail application.

4. Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor appearing for the State, submits that two other co-accused in the same FIR have preferred appeals against the dismissal of their respective bail applications by the learned Trial Court, being CRL.A. 1275/2025 and CRL.A. 214/2024. Both appeals are next listed before a co-ordinate Bench on 09.10.2026. He further submits that, in the circumstances, an appeal would be the appropriate remedy for the applicant as well.

5. In view of the aforesaid, CRL.M.A. 24124/2026 is allowed. The present bail application is, accordingly, dismissed as withdrawn, with liberty to the applicant to avail the remedy of an appeal in accordance with law.

6. It is clarified that this Court has expressed no opinion on the merits of the case, and the question of maintainability of a bail application in proceedings under MCOCA, is left open and is not being finally decided in the present proceedings.

PRATEEK JALAN, J

SEPTEMBER 1, 2026

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