

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2556 OF 2017

FIROZ RAMJAN SHAIKH.

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

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Advocate for Applicant : Mr Patil Paresh B.

APP for Respondents: Mr S M Ganachari

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CORAM : V.K. JADHAV, J.

Dated: August 23, 2017

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PER COURT :-

1. The learned counsel for the applicant has placed on record the copy of the application filed before the Court below wherein the present applicant surrendered himself and, accordingly the court released him on bail. On perusal of the copy of the application, it appears that the applicant has brought to the notice of the court below that, the applicant is on interim pre-arrest bail granted by this Court. It appears from the order passed by the court on the said application that, even then the Court accepted his surrender before the court below and released him on bail.

2. In Petition for Special Leave to Appeal Criminal No.2411/2016 Rukmini Mahato Vs. State of Zharkhand, the Supreme Court in the identical facts of the case, discouraged such practice prevailing in the subordinate courts in the country and further directed the subordinate courts to dis-continue the practice of considering the regular bail application upon surrender during the pendency of the application for pre-arrest bail before the Superior Court.

3. It appears that order is passed by the Magistrate. I do not want to take any action against the learned Magistrate, however, the Registry shall forward the copy of this order and also copy of the order passed by the Supreme Court in the aforesaid Special Leave to Appeal Criminal No.2411/2016 (Rukmini Mahato Vs. State of Zharkhand) to the learned Magistrate.

4. The learned counsel for the applicant submits that the matter is amicably settled between the parties and seeks leave to withdraw this application.

5. In view of the above submissions, leave for withdrawal off the application is granted and application is disposed off as withdrawn.

6. Application accordingly disposed off.

(V.K. JADHAV, J.)

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