

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

CRIMINAL WRIT PETITION NO.643 OF 2021

RAJESH YASHWANT MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH
CRIMINAL WRIT PETITION NO.645 OF 2021

PRAKASH GYANDEV PATEL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for the Petitioners : Mr.Kulkarni Mukul S.
APP for the Respondents/State : Mr.S.G. Karlekar

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**CORAM : DIPANKAR DATTA, C.J.
 &
 RAVINDRA V. GHUGE, J.**

DATE :- 17th JUNE, 2021

PER COURT:-

1. The petitioners are undertrial prisoners. Although it is alleged by them that the High Powered Committee, constituted in pursuance of the order dated 23rd March, 2020 of the Supreme Court of India in *Suo Motu* Writ Petition (C) No.1/2020, carved out categories of offenders who could be favourably considered for grant of interim bail during the pandemic situation and that the petitioners are included in one such category, their applications for bail have been rejected by the Chief Judicial Magistrate, Dhule by a common order dated 8th May, 2021. While seeking quashing of

such order passed by the Magistrate, the petitioners seek further order on the respondents to release them from prison forthwith.

2. The order dated 8th May, 2021 passed by the Magistrate is a judicial order. Law is well-settled that a judicial order passed by a court of competent jurisdiction cannot be questioned in proceedings under Article 226 of the Constitution of India. If any authority is required, one can usefully refer to the decision of the Supreme Court of India reported in *AIR 1967 SC 1 (Naresh Shridhar Mirajkar and others Vs. State of Maharashtra and another)*.

3. These writ petitions being wholly misconceived, stand dismissed. There shall be no order as to costs.

4. Dismissal of these writ petitions shall, however, not preclude the petitioners to pursue their remedy in accordance with law and if the appropriate court is approached by them with applications for bail, such applications shall be considered without being influenced by this order.

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(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)