

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.3053 OF 2019
[Through Jail]**

Madhukar M. Rupji and another Applicants
Versus
Santosh Mayekar and others Respondents

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WITH
INTERIM APPLICATION NO.892 OF 2019
IN
CRIMINAL BAIL APPLICATION NO.3053 OF 2019

Mr. M.Rajput, Advocate i/b. Ratnesh Dubey, Advocate appointed
for the Applicants.

Ms. G.P. Mulekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th NOVEMBER, 2021

P.C. :

1. This is an application filed by the applicants through jail. Two separate applications are connected and placed before the Court as one application. In the first part of these applications, the Applicants are seeking medical bail for Applicant No.1 and bail to Applicant No.2 to attend to his father-Applicant No.1. In the second part of the application, the Applicants have prayed for bail on medical grounds as well as on merits.

2. Heard Shri Rajput, learned counsel for the Applicants and Smt G.P. Mulekar, learned APP for the State.

3. Shri Rajput is appointed to appear for the Applicants. He is given papers of the matter and he has assisted the Court. Learned APP has produced a report from the jail which is taken on record and marked "X" for identification.

4. The Applicants are seeking bail because they were taken in custody in connection with EA/16/36 to EA/16/54 as well as EA/17/60 in Consumer Complaint No.C.C.557/13. From what is stated in the application, it appears that the Applicants were convicted and sentenced by the State Consumer Commission for not complying with its orders in execution proceedings.

5. Learned APP strongly objected to this application on the ground that this application is not maintainable because there is no provision that the Consumer Protection Act 1986 enabling this Court to grant bail in such situation. She relied on the observations made by the Single Judge bench of this Court (Coram: P.D. Naik, J.) vide order dated 12.9.2018 passed in Criminal Application No.1062/2018 with Criminal Application No.1063/2018. She also submitted that in any case the report

sent through jail show that the Applicants are already granted bail pursuant to the orders passed by the State Consumer Commission.

6. Learned counsel for the Applicants has made submissions on the basis of the averments made in the application.

7. I have considered these submissions and in particular the report sent through jail wherein it is clearly mentioned that in all these cases the Applicants are already released on bail. Therefore, nothing further survives in this application. It is not even necessary therefore to decide the maintainability of the Application.

8. The application is disposed as having rendered infructuous. With disposal of the main application, interim application is also disposed of. Learned appointed counsel be paid his fees in accordance with rules.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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PRAKASHRAO
DESHMANE

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