

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2524 OF 2022

Sanjay Nemchand Dodhia & Anr .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr.Ganesh Gole with Ateet Shirodkar for the applicants.
Mr. Raviraj Paramane with Avinash Naik i/b Raju Mhatre for the intervenor.
Mrs.Anamika Malhotra, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 14th SEPTEMBER, 2022

P.C:-

1 This is a second Bail Application which is filed by availing the liberty conferred on the applicant vide order dated 4/8/2022 (Cr.ABA No.1960/22).

2 The learned counsel for the applicant Mr.Gole state that he succeeded in his proceedings before the Division Bench and the proclamation is set aside and even in a Revision Application, the process that was issued, is also set aside.

3 However, the learned APP state that the proclamation was in respect of some other C.R and she has placed on record a fresh proclamation issued on 6/8/2022 which is issued in C.R.No. I-45/2018 by the 5th JMFC, Bhiwandi.

4 In the wake of the proclamation being issued, in light of the authoritative pronouncement of the Apex court in case of Prem Shankar Prasad Vs. State of Bihar {CRIMINAL APPEAL NO.1209 OF 2021}, an application u/s.438 of Cr.P.C cannot be entertained.

5 The learned counsel Mr.Gole seek permission to withdraw the application by reserving his liberty to avail the remedy, in case he is in a position to get the proclamation set aside. Permission granted.

6 Application is disposed off as withdrawn.

(SMT. BHARATI DANGRE, J.)