

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2830 OF 2019

Sunil A. Rathod ...Applicant

V/s.

The State of Maharashtra ...Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 400 OF 2020

1. Uday A. Malani @ Patel

2. Neel Mukesh Dhingani ...Applicants

V/s.

The State of Maharashtra ...Respondent.

Mr. Waqar N. Pathan for the Applicant in ABA 2830 of 2019.

Mr. Jyotiram S. Yadav for the Applicants in ABA 400 of 2020.

Mr. P.H. Gaikwad-Patil, APP for the Respondent/State in both applications.

CORAM : N.R. BORKAR, J.
DATE : 19.01.2023.

P.C. :

1. The learned counsel appearing for the applicant in Anticipatory Bail Application No. 2830 of 2019 is permitted to carry out the amendment pursuant to the order passed by this Court dated 7 December 2022, Subject to payment of cost of Rs.5000/- to Kirtikar Law Library bearing Saving Account Number 000110110012632, Bank of India, IFSC code: BKID00000001; MICR No. 400013087.

2. As both these applications filed under Section 438 of Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of anticipatory bail are arising out of one and the same crime, they are being disposed of by this common order.

3. The applicants in both these applications are apprehending their arrest in C.R. No.317 of 2019 registered at Dindori Police Station, Nashik Rural for the offences punishable under Sections 420, 406, 506 read with 34 of the Indian Penal Code.

4. I have heard the learned counsel appearing for the applicants and the learned APP for the respondent / State.

5. The bail is sought on the ground of parity. In support of the said ground the learned Counsel for the applicants has placed on record the copy of order dated 22 August 2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 1302 of 2022 (Special Leave Petition (CRL) No. 246 of 2020). By the said order the Hon'ble Supreme Court granted anticipatory bail to the accused No.1 by observing that it is a case of non-payment of price of the grapes handed over to the accused no.1 for export. Such non-payment of the value of Grapes will not *prima facie* come under the offence for which the complaint has been lodged against the accused No.1.

6. In view of above observations of the Hon'ble Supreme Court I am inclined to allow the present applications. The interim orders passed by this Court on 20 December 2019 in A.B.A. No.2830 of

2019 and 14 February 2020 in A.B.A. No. 400 of 2020 are hereby confirmed.

7. Both Anticipatory Bail Applications are disposed of.

[N.R.BORKAR, J.]