



Diksha Rane

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

ANTICIPATORY BAIL APPLICATION NO.1453/2023

PRADEEP NANDILAL SHUKLA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Arun Upadhyay a/w. Adv. Ravi S. Dwivedi, Adv. Vikas
Salgia for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned APP submitted that the present application is not maintainable. Learned counsel for the applicant sought withdrawal of this application.
3. I am not inclined to entertain the present application as the earlier application for anticipatory bail bearing ABA No.173/2023 was rejected by this Court vide order dated 19/1/2023. It is pointed out that so far as the co-accused Dharmendra Govind Singh is concerned, he has been

enlarged on bail by an order dated 22/12/2022 passed by this Court as the applicant therein showed his willingness to deposit Rs.3,02,500/- with the Sessions Court.

4. The present applicant is a partner of the co-accused who has been enlarged on bail. The entire amount which is subject of the offence has already been deposited by the co-accused as submitted by learned counsel. It is submitted that the applicant can also be enlarged on bail on the ground of parity with the co-accused Dharmendra Govind Singh. There is substance in the contention of learned counsel for the applicant. However, the order was passed in respect of the co-accused Dharmendra in regular bail application. In this view of the matter, learned counsel for the applicant submitted that the applicant is willing to surrender before the trial Court.

5. The applicant undertakes to surrender before the trial Court on 11/12/2023. Considering that the co-accused has been enlarged on bail and *prima facie*, there is substance in the contention of the applicant that he can seek parity with the co-accused Dharmendra, the trial Court is requested to hear the application for bail filed by the present applicant

expeditiously, preferably on the same day considering that the liberty of the applicant is involved. This order is passed in the peculiar facts of this case.

6. The application is allowed to be withdrawn and disposed of accordingly.

(M. S. KARNIK, J.)