

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4831 OF 2022**

Abhishek Jaiprakash Dubey S/o
Shri Jaiprakash Banshnarayan Dubey ...Petitioner
Versus
State Of Maharashtra And Anr. ...Respondents

Ms.Masuma Merchant a/w Rashmi Dandekar i/by Mr.Satyandar
Yadav Advocate for Petitioner.
Mrs. S. D. Shinde, APP for Respondent-State.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 2nd JANUARY, 2023.

P.C.:-

. By way of present Petition, the Petitioner has prayed for Writ of Habeas Corpus for his father Mr. Jaiprakash Banshnarayan Dubey.

2. Heard Ms.Merchant instructed by Advocate Mr.Satyandar Yadav. Perused record produced before us.

3. It is an admitted fact on record that, the Applicant's father namely Mr.Jaiprakash Banshnarayan Dubey has been directed to be released on bail by the learned Single Judge of this Court in Criminal Bail Application No.1183 of 2021 by its Order dated 2nd December, 2022.

It appears from the pleading of the learned Advocate that, though an Order of bail has been granted in favour of father of the Applicant, he has not been released from Jail as in a few more cases

Production Warrant is issued against him.

It is to be noted that, the pleadings in the present Petition are silent on the said aspect. However, the learned Advocate for the Petitioner argued the same across the bar. It is thus clear that, father of the Petitioner has been detained by operation of due process of law by the Court of Competent Jurisdiction. The Petitioner is well aware of the whereabouts of his father.

4. In view of the above, according to us, present Petition is thoroughly frivolous and is dismissed in *limine*.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)