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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.378 OF 2015

Balchandra Gopal Koli and Anr.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Virendra Khot and Mr.Chaitnya Pendse i/b Mr.R.R.Lad, for the Applicants.

Ms.PPShinde, APP for the Respondent – State.

Mr.Nitin S. Satpute, Complainant present in person.

ACP – Shrirang Nadgauda, Kurla Division – I.O.

CORAM : REVATI MOHITE DERE, J.

DATED : 12th MARCH, 2015.

PC.

1. Heard learned counsel for the applicants and learned APP for the Respondent – State.

2. Learned APP at the outset, points out that the applicants had preferred an application seeking pre-arrest bail, being Anticipatory Bail Application No.491 of 2015 before the learned Special Judge, Court Room No.41, Mumbai. She submitted that the said application was withdrawn as not pressed, by the applicants today, on the ground that they intended to pursue their remedies in the High Court. She submitted that the

applicants should be directed to pursue the Criminal Application filed by them in the Sessions Court, before the learned Special Judge, Mumbai.

4. It appears that the application was not heard on merits. Learned Counsel for the Applicants submitted, that as no orders were passed on 5th March and 11th March, 2015 granting interim protection to the applicants, the application seeking anticipatory bail was not pressed and withdrawn by the applicants. Learned Counsel for the Applicants submits that he is ready to pursue the remedy available to him and will argue the same application, if the order of withdrawal is set aside. He states that it was only in view of the statement made by learned Counsel for the Applicants, that the learned Special Judge disposed of the matter, as not pressed. He accordingly seeks to withdraw this Application, with liberty to pursue his Anticipatory Bail Application No.491 of 2015 before the learned Special Judge.

5. Considering the peculiar facts of the case, I pass the following order :-

ORDER

- i) The order passed by the learned Special Judge on 12th

March, 2015 is set aside and Criminal Anticipatory Bail Application No.491 of 2015 is restored to its original file ;

- ii) The learned Special Judge shall hear the learned counsel for the applicants on merits along with his prayer for interim relief.

6. Application is accordingly disposed of on the aforesaid terms.

7. It is made clear, that this Court has not gone into the merits of the said matter and the learned Special Judge shall hear and decide the application, on its own merits, uninfluenced by the withdrawal of this application.

8. Parties to act on authenticated copy of this order.

(REVATI MOHITE DERE, J.)