

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 324 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO. 444 OF 2015**

Hashmukh s/o. Laherchand Shah	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Santosh Saraogi i/b Mr. A. M. Saraogi for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

API Mr. Sachin Mane from DCB CID, Unit-II is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 9TH APRIL, 2015

P.C. :

1. By this application, the learned Counsel for the applicant seeks recall of the order dated 31st March, 2015 passed by this Court (Coram : Revati Mohite Dere, J.) in Criminal Anticipatory Bail Application No. 444 of 2015. The said order reads thus:

“1. Learned Counsel for the Applicant, after arguing for some time, seeks permission to withdraw this application. He states that the applicant will surrender before the Appropriate Court, after giving notice to the concerned Police Station, with regard to the place and time of surrender.

2. The Application is accordingly disposed of as withdrawn.”

2. It is in very unfortunate circumstances that this present order is being passed. On 31st March, 2015, Mr. Saraogi, learned Counsel for the applicant argued the matter at length on merits. The said application was also opposed by the learned A.P.P. As the Court had expressed its opinion that it was not inclined to allow the application and started dictating the order rejecting the applicant's anticipatory bail application, the learned Counsel Mr. Saraogi, on instructions, sought leave to withdraw the said application and submitted that the applicant would surrender before the appropriate Court. By way of indulgence, this Court permitted the learned Counsel for the applicant to withdraw the application. In fact, Mr. Saraogi submitted that the applicant will surrender before the appropriate Court, after giving notice to the concerned police with regard to the time and place of surrender. Accordingly, the application was disposed of as withdrawn.

3. On 7th April, 2015, the present application has been filed seeking recall of the earlier order dated 31st March, 2015. Today, Mr. Santosh Saraogi appears and seeks recall of the said order.

4. It is extremely unfortunate that after the matter was heard on merits and as the Court had started dictating the order rejecting the applicant's application for bail, it is in those circumstance that the applicant sought leave to withdraw the said application. In fact, this was an apt case to impose cost as well as pass strictures. However, this Court is refraining from passing the same.

5. The order dated 31st March, 2015 is a self speaking order and does not call for any interference. Hence, the application is dismissed.

REVATI MOHITE DERE, J.