

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

ANTICIPATORY BAIL APPLICATION NO.578 OF 2019

Vijay Ramchandra Pamnani & Anr.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

Mr.Subhash Jha a/w Mr.Harekrishna Mishra I/by Mr.Abhishek N. Mishra
for the applicants.

Mr.A.R. Kapadnis, APP for respondent-State.

CORAM : P.N. DESHMUKH, J.
DATE : 11th March 2019

P.C.:

1. This is subsequent bail application filed for anticipatory bail in Crime No.936 of 2018 registered for the offences punishable under Sections 392, 452, 354, 323, 504, 506 read with 34 of the IPC. Admittedly the earlier application being No.388 of 2019 filed by the applicants was allowed to be withdrawn by this Court and as such dismissed by its order dated 13th February 2019. Copy of the order is annexed at Exhibit 'J' to the present application.

2. Perusal of the said order would reveal that after having heard learned counsel for the applicants at length, since this Court was not inclined to grant protection to the applicants, learned counsel for the applicants, on instructions, sought leave to withdraw the application. Accordingly, on grant of leave the application was disposed of as dismissed as allowed to be withdrawn.

3. After such order, present application is filed for same relief on same facts which as such is not maintainable. Learned counsel for the applicants submits that inspite of the earlier order as aforesaid, application is maintainable, in as much as same is filed to bring on record the subsequent facts.

4. Submissions advanced as aforesaid, however are not all convincing to hold this application maintainable, in view of specific observation of this Court passed in its earlier order granting leave to withdraw the same on hearing the applicants' counsel at length and after this Court expressed its mind, that it is not inclined to allow the application, leave was prayed to withdraw the application which was allowed. Moreover, it is material to note that even on seeking leave to withdraw the application, no liberty was sought for any reason. In that view of the matter, there is no substance in the submissions advanced. In view of the order dated 13th February 2019, application stands disposed of as dismissed

P.N. DESHMUKH, J.