

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

ANTICIPATORY BAIL APPLICATION NO.673 OF 2021

Vivek Pukhraj Jain and Anr.

.. Applicants

Versus

State of Maharashtra and Anr.

.. Respondents

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Mr.Omprakash Dubey, Advocate for the Applicants.

Ms.Anamika Malhotra, APP for the Respondent – State.

Mr.Mayur Sapkale, Advocate for original complainant.

PSI Salvi, Ghatkopar Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 22, 2021.

P.C. :

This is second application for anticipatory bail. The previous application viz. Anticipatory Bail Application No.449 of 2020, which was subsequently number as 729 of 2020, was disposed of vide order dated 15th February, 2021. The order indicate that the interim protection granted by this Court was vacated since the statement made before the Court was not complied. The previous application was dismissed for want of prosecution. Instead of preferring application for restoration of application which was dismissed for want of prosecution,

applicants have filed this application for anticipatory bail.

2 Learned counsel for the applicants seeks permission to withdraw this application with liberty to prefer an application for restoration of Anticipatory Bail Application No.729 of 2020, which has been dismissed for want of prosecution by order dated 15th February, 2021.

3 Learned counsel for the complainant objected for entertaining second application. He submitted that the Undertaking to deposit the amount was not complied. Submission of learned counsel for the complainant would be considered at appropriate stage. Presently, the applicants are at liberty to withdraw this with liberty to prefer an application for restoration of Anticipatory Bail Application No.729 of 2020. This Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)