

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 555 OF 2019**

Deepak Vitthal Rao ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH**CRIMINAL APPLICATION NO. 593 OF 2019****IN****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 555 OF 2019**

Hasmukh Gada ... Intervenor
In the matter between :-
Deepak Vitthal Rao ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. S. V. Pradhan, Advocate for Applicant.
Mr. Y. M. Nakhwa, A.P.P. for Respondent-State.
Mr. Nilesh Pawaskar, Advocate for Intervenor.

CORAM : A.S. GADKARI, J.
DATE : 20th November, 2021.

PC. :

1. Record reveals that, on earlier occasions, the Applicant had made solemn statements before this Court that, he wanted to settle the matter with first informant amicably. However, he utterly failed to do so and therefore his request made through the learned counsel today that, some further time may be granted to him for settling the matter, has been outrightly rejected by this Court.

2. There is another facet to the present case.

On 4th September, 2021, the Applicant through his counsel had made a statement before this Court that, the Applicant is intending to settle the matter with the Respondent and the talks of settlements are in progress. On 30th October, 2021, the Applicant through his counsel further made a statement that, the Applicant is sincerely intending to settle the matter with the first informant by making a lump-sum payment to him by absolving his entire liability. Learned counsel on instructions from the Applicant had also made a statement that, the Applicant will make the said payment within stipulated period as may be mentioned in an Affidavit, which was directed to be filed before this Court.

3. The Applicant has filed an Affidavit dated 1st November, 2021 in this Court without disclosing material and necessary facts as have been recorded in Order dated 30th October, 2021 and according to me the said Affidavit is just an eye-wash to overcome with the statements made by the Applicant and recorded in Order dated 30th October, 2021. The practice adopted by the Applicant is deprecated.

4. It clearly appears from the record that, the Applicant is not interested in settling the matter with the informant and is seeking adjournments after adjournments on that count, just to procrastinate the hearing of the present Application and for continuation of interim relief

granted in his favour, by Order dated 5th March, 2019.

5. In view of the above, I heard learned counsel for the Applicant at length on merits of the case.

After hearing the learned counsel for the Applicant at length, when this Court expressed its disinclination to grant relief of pre-arrest bail in favour of Applicant, the learned counsel on instructions seeks leave to withdraw present Application with liberty to the Applicant to surrender before the learned Magistrate having jurisdiction over Dadar Police Station, Mumbai on or before 11:00 am of 23rd November, 2021.

Leave and liberty granted.

6. It is made clear that, the period to surrender will not be extended on any count.

If, the Applicant fails to surrender on or before 11:00 am of 23rd November, 2021 before the concerned Magistrate, the Investigating Officer will be at liberty to arrest the Applicant and produce him before the concerned Magistrate as per the provisions of law.

7. Application is dismissed as withdrawn with aforesaid liberty.

8. In view of withdrawal of present Application itself, Criminal Application No.593 of 2019 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]