

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

ANTICIPATORY BAIL APPLICATION NO. 1297 OF 2021

Ashpak Zakir Husain Kazi Applicant

Versus

The State of Maharashtra & Anr. Respondents

Mr. Vaibhav Gaikwad i/b. Ramnik P. Pawar for Applicant.
Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant had earlier approached this court vide A.B.A.No.38 of 2021. In that application, on 12/01/2021 following order was passed:

“1. After arguing for some time, when I expressed my disinclination to grant relief in this application, learned Counsel for the Applicant prays for unconditional withdrawal of this Application.

2. Permission is granted. The Application is allowed to be withdrawn unconditionally and is disposed of accordingly.”

2. Instead of surrendering, the application has filed this second application on the ground that there was a compromise entered into between him and the victim. Learned counsel for the applicant has stated that the petition for quashing is already pending before the Division Bench. In this view of the matter, there are two possibilities that, Division Bench may quash the proceeding; then nothing will survive, as far as, present prayer is concerned and if the Division Bench does not quash the proceeding, then the order dated 12/01/2021 will apply with full force. Therefore, in both these situations, it will not be proper to entertain this application. The earlier application was withdrawn unconditionally. Therefore, I am not inclined to entertain this application.

3. The application is rejected.

(SARANG V. KOTWAL, J.)