

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

ANTICIPATORY BAIL APPLICATION NO.3555 OF 2022

Santosh Vinayak Pandit

.....Applicant

Versus

State of Maharashtra

.... Respondent

Mr. Aniket Nikam, Advocate i/b. Amit Icham, for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th FEBRUARY, 2024

P.C. :

1. This is the second occasion on which the Applicant has approached this Court for the similar relief of anticipatory bail in connection with C.R. No.82/2022 registered at Umbraj police station, District-Satara. The FIR was initially lodged under sections 395, 397, 412 & 413 of IPC. Subsequently the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for short, 'MCOC Act') were applied.

2. Learned counsel for the Applicant points out that a coordinate Bench of this Court (Coram: N.J. Jamadar, J.) on 15.6.2022 in ABA/1222/2022 had passed the following order:

- “1. Heard Mr. Kharat, the learned Counsel for the applicant.
2. In view of the development in the intervening period of invoking the provisions contained in the Maharashtra Control of Organized Crime Act, 1999 (“the MCOCA”), the learned Counsel for the applicant seeks leave to withdraw the application with liberty to challenge the invocation of the provisions of MCOCA.
3. The application stands disposed as withdrawn with liberty to avail the remedies as available in law.”

3. Learned counsel submitted that the Applicant had sought liberty to challenge the invocation of the provisions of the MCOC Act but till today no such Petition challenging the invocation of MCOC Act was filed and instead the present Application is filed. Learned counsel submitted that considering the statement made before this Court on 15.6.2022 based on which the Application was allowed to be withdrawn with liberty to avail the remedies available in law, the Applicant seeks liberty to withdraw this

Application as well to avail of the liberty granted by the order dated 15.6.2022.

4. Considering this request, the present Application is allowed to be withdrawn. The order dated 15.6.2022 already records that the Applicant had liberty to avail the remedies available in law.

5. With these observations, the Application is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)