

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2789 OF 2024**

Sheshrao Kaluram Rathod	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Priyanka Dubey a/w. Mr. Krishna Shukla and Mr. Ritesh Kesarwani, i/b. Hedgehog and Fox LLP for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 16th OCTOBER, 2024**

P.C. :

1. When this application for anticipatory bail is called out for hearing, the learned APP points out that the earlier anticipatory bail application of this very applicant was disposed of as withdrawn by order dated 19.09.2024 passed by this Court (Coram: Sarang V. Kotwal, J) in Anticipatory Bail Application No.455 of 2024. It is submitted that in these circumstances, the present application is not maintainable. It is also asserted that the Sessions Court had earlier rejected the anticipatory bail application of the applicant by order dated 08.02.2024.

2. Although the learned counsel for the applicant made an attempt to argue this application on merits, this Court is of the opinion that the present application cannot be entertained.

3. A perusal of the order dated 19.09.2024 passed by this Court in Anticipatory Bail Application No.455 of 2024, shows that it reads as follows:

“
CORAM : SARANG V. KOTWAL, J.
DATE : 19th SEPTEMBER, 2024

P.C. :

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 The Application is allowed to be withdrawn unconditionally and is disposed of as such. With disposal of the main Anticipatory Bail Application, Intervention Application is also disposed of.

Sd/-
(SARANG V. KOTWAL, J)”

4. A bare perusal of the above-quoted order shows that the aforesaid anticipatory bail application of the applicant was argued on merits and thereupon, the learned Single Judge of this Court expressed disinclination to grant relief to the applicant, thereby showing that the application was considered on merits and found fit to be rejected. At that stage, the learned counsel then appearing for the applicant sought permission to unconditionally withdraw the application.

5. In such circumstances, within a few days of the aforesaid application being dismissed as withdrawn, as this Court was not inclined to grant relief, the applicant cannot be permitted to re-argue the application on merits. Hence, the present application cannot be considered.

6. The application is dismissed.

(MANISH PITALE, J)