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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1576 OF 2015

Dakshina Kanaiyalal Tirthdas ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Sandeep D. Sherkhane, for the Applicant

Ms.Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
DATE : 20th OCTOBER, 2015

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 136 of 2014 registered with the Nirmal Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 457, 454, 380 of the Indian Penal Code.

3. At the outset, the learned APP states that it appears from the order dated 13th October, 2015 that the application for Anticipatory Bail was not decided on merits but was rejected only on the ground as none

appeared on behalf of the applicant. She submits that the said order can be set aside and the matter be remitted back to the trial Court for deciding the said application afresh on merits.

4. It appears from the order dated 13th October, 2015 that as none appeared on behalf of the applicant the interim protection which was granted was vacated and the Anticipatory Bail Application No.2122 of 2015 was rejected. It appears that as none appeared for the applicant, the application has not been considered on merits. Although, no fault can be found with the order dated 13th October, 2015, only in the interest of justice to give an opportunity to the applicant, the order dated 13th October, 2015 is quashed and set aside and Anticipatory Bail Application No.2122 of 2015, is restored to its original file.

5. Since the order dated 13th October, 2015 is quashed and set aside and the Anticipatory Bail Application No.2122 of 2015 is restored to its original file, the order dated 23rd September, 2015 by which the applicant was granted interim protection also stands restored.

6. The learned Sessions Judge, Greater Mumbai, is requested to decide Anticipatory Bail Application No.2122 of 2015 as expeditiously as possible and preferably within two weeks from the date of receipt of this order .

7. Learned Counsel for the Applicant states that he will produce the said order before the learned Sessions Judge, Greater Mumbai, on 26th October, 2015. Registry to also communicate this order by fax to the learned Sessions Judge, Greater Mumbai.

8. It is made clear that this application has not been considered on merits.

9. The Application is disposed of in the aforesaid terms.

REVATI MOHITE DERE, J.