

nsc.

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

***CRIMINAL APPLICATION NO.667 OF 2017
IN
CRIMINAL BAIL APPLICATION NO.1026 OF 2011***

Suhas Kamlakar Nibandhe	...Applicant
Versus	
1. The State of Maharashtra	
2. General Manager, Pune District Central Co-op. Bank Limited, Pune.	...Respondents

Mr.V.L.Kolekar, for the Applicant.

Ms.J.S.Lohakare, A.P.P for the Respondent-State.

Mr.V.B.Tapakir, for Respondent No.2.

The Applicant is present in Court.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks recall of the order dated

30th June, 2017, by which the applicant's Anticipatory Bail was cancelled and liberty was granted to the applicant to file a fresh application, in case he complies with the order/undertaking given by him to this Court in Criminal Bail Application No.1026 of 2011.

3. Learned Counsel for the Applicant has tendered an undertaking of the Applicant- Suhas Kamlakar Nibandhe. The same is taken on record and marked 'X' for identification. The applicant has handed over all the original papers of the property mentioned in clause nos.(i) and (ii) of clause-1, of the undertaking dated 19th August, 2011, filed in Criminal Bail Application No.1026 of 2011.

4. Mr.Tapakir, learned counsel for the Respondent No.2-Bank, does not dispute having received the said documents. He has no objection, if the order dated 30th June, 2017 is recalled.

5. The aforesaid application is filed for recall of the order dated 30th June, 2017, in view of the liberty granted to the applicant to file a fresh application, in case he complies with the order/undertaking given by him in

Criminal Bail Application No.1026 of 2011. From the undertaking, it appears that all the original papers of the property mentioned in clause nos. (i) and (ii) of clause-1, of the undertaking dated 19th August, 2011, filed in Criminal Bail Application No.1026 of 2011, have been complied with and the original papers of the property have been handed over to the Respondent No.2-Bank. The applicant has also undertaken to execute all the necessary and requisite documents of the properties in favour of proposed purchaser and has also undertaken to render complete and full co-operation to the purchaser, for effecting absolute transfer of the said properties in their favour. The applicant has also undertaken not to create any obstacle and/or obstruction in the sale of the said two properties, so as to ensure that the proceeds thereof can be given to Pune District Central Co-operative Bank Limited, Hadapsar Branch, Pune. The applicant has also undertaken to hand over vacant and peaceful possession of the properties to the new purchaser.

6. In view of the aforesaid undertaking given by the applicant, the order dated 30th June, 2017, passed in Criminal Application No.260 of 2014 in Criminal Bail Application No.1026 of 2011, is recalled.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)