

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**909 CRIMINAL APPLICATION NO.549 OF 2021
IN ABA/431/2020**

SHAIKH SAILANI S/O. SHAIKH DADAMIYA (SHAIKH FEROZ S/O.
SHAIKH DAD IN FIR) AND ANR

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Mohammed Asim Shaikh Saleem
APP for Respondent-State : Mrs. R.P. Gaur

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CORAM : MANGESH S. PATIL, J.

DATE : 04 MARCH 2021

PER COURT :

Heard both the sides, after having obtained ad-interim anticipatory bail in the month of April 2020, the matter was never circulated and may be because of the order of the Full Bench and the applicants were under *bona fide* belief that the ad-interim relief must have been extended.

2. However, the matter was circulated for 21 December 2020 but none was present for the applicants and the matter was adjourned to the next date i.e. 18.01.2021. There was a specific observation that if none appeared on the appointed day, the matter would be dismissed and accordingly, as nobody turned-up for the applicants even on 18 January 2021, the anticipatory bail application has been dismissed.

3. The learned Advocate for the applicants submits that it is

because of his error, the client should not suffer. He tenders unconditional apology and seeks restoration of the main Application by condoning 7 days delay.

4. The learned APP opposes the application.

5. For the reasons mentioned in the application, it is allowed. The Anticipatory Bail Application is restored to the original file. List it on 22.03.2021.

(MANGESH S. PATIL, J.)

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