

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2418 OF 2021****IN****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 851 OF 2019**

Dashrath Machindra Kokare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Shyam Dewani a/w. Mr. Gopal Tripathi and Mr. Sumit Khanna for Applicant.
Mr. Y.M. Nakhwa, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 5th October 2021.****PC. :**

1. This is an application for recalling of Order dated 18th September 2021 passed in A.B.A. No.851 of 2019.

2. Learned counsel for the Applicant submitted that, on 30th August 2021 this Court had adjourned the said A.B.A. to 30th September 2021 by granting further period of four weeks to the Applicant to pay the balance amount of Rs.50,00,000/- to the first informant/intervenor. However, the said A.B.A. was all of a sudden listed on board on 18th September 2021, before the end of four weeks and before the scheduled date as per Order dated 30th August 2021, and thereafter by observing the facts mentioned therein, this Court dismissed the A.B.A..

3. Learned counsel on instructions further submitted that, as a matter of fact, the Applicant has paid the balance amount of Rs.50,00,000/- within stipulated period i.e. on or before 30th September 2021 and therefore the said A.B.A. filed by the Applicant ought to have been considered sympathetically.
4. In view thereof, Order dated 18th September 2021 is hereby recalled and A.B.A. along with Intervention Application, i.e. Criminal Application No.567 of 2019, are restored to file.
5. Application is accordingly disposed off.
6. List A.B.A. on board on 20th October 2021 at 2.30 pm.
7. Till next date, interim relief granted earlier in favour of the Applicant, to continue.

[A.S. GADKARI, J.]

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