

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

CRIMINAL APPEAL NO. 822 OF 2022

Ramnaresh Ramdulare Yadav And Anr.	...Appellants
Versus	
State Of Maharashtra	...Respondent

....

Shri Vikas Mishra i/b Shri Mahesh Rawool, Advocate for the Appellants.

Shri S. R. Agarkar, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	20th AUGUST, 2022.

PER COURT:

1. The appellants had preferred Anticipatory Bail Application No.758 of 2022 before the Court of Additional Sessions Judge, Vasai. Interim order was passed by the learned Sessions Judge on 1st June, 2022 by directing the Investigation Officer of concerned Police Station to issue notice prior to 72 hrs, if offence is registered against the Appellants in respect of land bearing survey No. 74/75 and 79 of village Poman, Tq. Vasai, District Palghar.

2. The application was dismissed for want of prosecution vide order dated 21st July, 2022. The said order indicates that the appellants and their Advocate were absent, when the matter was called out repeatedly. On the previous date, Advocate for the appellants was absent. Learned APP was present. In these circumstances, the application was dismissed

for want of prosecution.

3. Learned APP submits that the application has been dismissed for want of prosecution. The applicant should apply for restoration of application.

4. Apparently, it appears that the appellants were apprehending that the FIR is likely to be registered against Appellants and hence they had preferred an application for anticipatory bail. It is also noticed that, interim relief was granted by Court during pendency of the application.

5. Learned advocate for the appellants submits that anticipatory bail application No.758 of 2022 which has been dismissed for want of prosecution may be restored. The Appellants would pursue the application for anticipatory bail, in the event it is restored.

ORDER

i. Order dated 21st July, 2022 passed by learned Additional Sessions Judge, Vasai dismissing the application for anticipatory bail preferred by appellants for want of prosecution is set aside and Anticipatory Bail Application No.758 of 2022 is restored.

ii. The learned Additional Sessions Judge shall hear the application and decide on merits.

- iii. Interim relief granted by Sessions Court vide order dated 1st June, 2022 is restored till 28th August, 2022.
- iv. In the event application for anticipatory bail is adjourned beyond 28th August, 2022, the Sessions Court may consider extortion of interim relief on merits.
- v. The appellants shall pursue the application for anticipatory delinquently.
- vi. Appeal is disposed off.

(PRAKASH D. NAIK, J.)