

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

CRIMINAL WRIT PETITION NO.6365 OF 2019

Alimullah Abdul Rauf Ansari
and another

.....Petitioners

Versus

State of Maharashtra
and another

.... Respondents

Mr. Anand Shitap, Advocate i/b. Jamshed Ansari for the
Petitioners.

Mr. Arfan Sait, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JUNE, 2023

P.C. :

1. This Petition is filed for quashing of the order dated 16.12.2019 passed by the Special Executive Magistrate, Bhiwandi in Court Case No.957/2019.

2. A Division Bench of this Court on 5.3.2020 had directed the Respondents i.e. the Special Executive Magistrate not to insist on execution of bond from the Petitioner in the meanwhile.

3. Since then, the matter was not listed and the stay granted remained in operation. More than three years have

passed. The urgency and necessity of execution of that bond under the said order is no more in existence. Therefore, there is no necessity of allowing that order to operate any further. However, if there is any other material against the Petitioner, the Authorities are at liberty to take fresh action.

4. Hence, the following order :

:: O R D E R ::

- i. The order dated 16.12.2019 passed by the Special Executive Magistrate, Bhiwandi in Court Case No.957/2019 is set aside.
- ii. The Authorities are at liberty to initiate any other action, if necessary and permissible in accordance with law.
- iii. With these observations, the Petition is disposed of.

(SARANG V. KOTWAL, J.)