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

**INTERIM APPLICATION NO.1393 OF 2023
IN
INTERIM APPLICATION NO.785 OF 2019
IN
INTERIM APPLICATION NO.1245 OF 2022
IN
CRIMINAL APPEAL NO.1407 OF 2019**

BANKESH BHAVSAR S/O BALDEV BHAVSAR ..APPLICANT
VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Manish Bohra a/w Adv. Payal Vardhan a/w Adv. Aditya Dwivedi i/b. M/s. A. S. Khan and Associates for the applicant.

Mr. S. H. Yadav, APP for the State.

Adv. Anubha Rastogi a/w Adv. Rachita A. Padwal a/w Adv. Aditya Joshi for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 10, 2024

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for extension of time to comply with the order dated 28.04.2022 passed by this Court. My attention is invited to the averments made in the application seeking extension.
3. Learned counsel for respondent No.2 vehemently opposed the application. It is submitted that no indulgence

should be granted in favour of the applicant who has shown utter disregard to the orders passed by this Court and has made absolutely no attempt to comply with the order passed by this Court.

4. Learned counsel for the applicant requested that the condition regarding the surety be waived as he is not a resident of State of Maharashtra and he may be released on cash bail. However, I am not inclined to modify any of the conditions imposed by the trial Court. To a limited extent, it is clarified that the applicant is permitted to furnish the same surety in this matter as well as the connected Criminal Appeal No.1407 of 2019, if the occasion so arises.

5. For the reasons mentioned in the application, in the interest of justice, I am inclined to extend the time to comply with the order by a period of 12 weeks from today. It is pointed out by learned counsel for respondent No.2 that the applicant has not been attending the trial Court despite specific directions of this Court.

6. Learned counsel for the applicant tendered an unconditional apology. On instructions, learned counsel for

the applicant assures this Court that the orders passed by this Court including the condition of attendance shall be strictly followed by the applicant. It is made clear that if any of the conditions are violated, this Court will not hesitate to take a serious view.

7. The application is accordingly allowed in the above terms and disposed of.

(M. S. KARNIK, J.)