

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

**CRIMINAL APPLICATION NO. 747 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 768 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.236 OF 2011**

**WITH
CRIMINAL APPLICATION NO. 748 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 296 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.235 OF 2011**

**WITH
CRIMINAL APPLICATION NO. 749 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 264 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.226 OF 2011**

**WITH
CRIMINAL APPLICATION NO. 750 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 766 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.226 OF 2011**

**WITH
CRIMINAL APPLICATION NO. 751 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 263 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.235 OF 2011**

**WITH
CRIMINAL APPLICATION NO. 753 OF 2019**

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IN
CRIMINAL MISC. APPLICATION NO. 1104 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.226 OF 2011

WITH
CRIMINAL APPLICATION NO. 754 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 1102 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.235 OF 2011

WITH
CRIMINAL APPLICATION NO. 755 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 1103 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.236 OF 2011

WITH
CRIMINAL APPLICATION NO. 756 OF 2019
IN
CRIMINAL MISC. APPLICATION NO. 767 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.235 OF 2011

Mrs. Pushpa Nirbhaykumar Singh	 Applicant
Versus	
The State of Maharashtra & Ors.	 Respondents
.....	

- Ms. Pankti Shah, Advocate for Applicant in all the applications.
- Mr. Vikram V. Tare-Patil, Advocate for Respondent No.2.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd FEBRUARY, 2024

P.C. :

1. All these applications are for restoration of the main applications for handing over property to the original first informant in the subject matter. In these applications, the respective Respondent No.2 had preferred the anticipatory bail applications. During the course of the hearing, some property was directed to be deposited by those Applicants(accused). The first informant wants custody of those properties for which those miscellaneous applications were preferred in the anticipatory bail applications. However, all these applications were dismissed by a common order dated 03/04/2019 passed by this Court (Coram : A. S. Gadkari, J.) for non-prosecution. It was observed that those applications were pending since 2017 and the following order was passed:

“ 1] The learned counsel for the applicant does not have instructions to proceed with hearing of the applications. The aforesaid applications are pending for hearing since 02/08/2017.

2] In view thereof, all the applications are dismissed for non-prosecution.”

2. Learned counsel for the Applicant/original informant submits that Mr. Devesh Tripathi was engaged as a counsel. He was to appear and argue the matter. On that date, he was engaged in a matter before the Hon'ble Supreme Court and therefore he could not remain present. In that situation, the matters were dismissed for non-prosecution. She submitted that the informant is now 70 years of age and she is in dire need of the property. Therefore, in the interest of justice, the matters be decided on merit and for that purpose, these applications be restored to their file.
3. Learned counsel for the Respondent submitted that those applications were pending for about 2 years and they were dismissed because the arguments were not advanced.
4. I have considered these submissions. The matters were not adjudicated on the merits, but were dismissed for non-prosecution. The counsel who was to appear in these matters

was not available. Considering this situation, in the interest of justice, the applications can be restored so that they can be decided on merits of the matter.

5. Hence, the following order :

ORDER

- (i) Criminal Application No. 747 Of 2019 is allowed and Criminal Misc. Application No. 768 Of 2017 in Anticipatory Bail Application No.236 Of 2011 is restored to its file.
- (ii) Criminal Application No. 748 Of 2019 is allowed and Criminal Misc. Application No. 296 Of 2018 in Anticipatory Bail Application No.235 Of 2011 is restored to its file.
- (iii) Criminal Application No. 749 Of 2019 is allowed and Criminal Misc. Application No. 264 Of 2018 in Anticipatory Bail Application No.226 Of 2011 is restored to its file.

- (iv) Criminal Application No. 750 Of 2019 is allowed and Criminal Misc. Application No. 766 Of 2017 in Anticipatory Bail Application No.226 Of 2011 is restored to its file.
- (v) Criminal Application No. 751 Of 2019 is allowed and Criminal Misc. Application No. 263 Of 2018 in Anticipatory Bail Application No.235 Of 2011 is restored to its file.
- (vi) Criminal Application No. 753 Of 2019 is allowed and Criminal Misc. Application No. 1104 Of 2017 in Anticipatory Bail Application No.226 Of 2011 is restored to its file.
- (vii) Criminal Application No. 754 Of 2019 is allowed and Criminal Misc. Application No. 1102 Of 2017 in Anticipatory Bail Application No.235 Of 2011 is restored to its file.
- (viii) Criminal Application No. 755 Of 2019 is allowed and Criminal Misc. Application No. 1103 Of 2017 in Anticipatory Bail Application No.236 Of 2011 is restored to its file.

- (ix) Criminal Application No. 756 Of 2019 is allowed and Criminal Misc. Application No. 767 Of 2017 in Anticipatory Bail Application No.235 Of 2011 is restored to its file.
- (x) The parties are at liberty to mention the matter for circulation.
- (xi) The applications for restoration are disposed of.

(SARANG V. KOTWAL, J.)