

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

**INTERIM APPLICATION NO. 1851 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1977 OF 2023**

Amita Chintaman Dabke ..Applicant

In the matter between:

Aslam Yasin Khan ..Applicant/accused.

Versus

The State of Maharashtra ..Respondent

Ms. Rebecca Gonsalvez for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 7 MAY 2024

P.C. :-

1. This is an application for recalling the order dated 18.07.2023 passed in A.B.A.No.1977 of 2023. Vide that order, this Court (Coram: Anuja Prabhudessai, J.) had granted anticipatory bail to the original applicant – accused Aslam Yasin Khan. That order was passed based on the consent terms tendered before the Court executed by the said accused. The clause (iv) of the

operative part of the said order reads thus:

“Since the Application is not decided on merits and is disposed of only in view of the consent terms filed by the parties, the Applicant is put to notice that in the event the cheques dated 24.08.2023 and 24.10.2023 are not honoured, the bail order shall stand recalled without further reference to the Court.”

2. Learned counsel for the applicant/original informant submitted that those cheques were for Rs.15 lakhs and Rs.10 lakhs respectively. Both the cheques were dishonoured on presentation. However, the accused had paid Rs.15 lakhs and as of today the balance amount is Rs.10 lakhs, for which, a fresh cheque was given. Even that cheque was dishonoured. According to her, the said order was a self operating order and, therefore, as of today, bail had stood cancelled and the investigating agency had to arrest the said accused Aslam Yasin Khan.

3. Considering these submissions, it is necessary to issue notice to the original applicant Aslam Yasin Khan. At the same time, it is also necessary to seek response from the investigating agency as to what steps were taken in compliance of the said operative part of the order dated 18.07.2023 passed in

A.B.A.No.1977 of 2023.

4. Hence, the following order.

ORDER

- i) Issue Notice to the original applicant Aslam Yasin Khan in A.B.A.No.1977 of 2023, returnable on 27.06.2024.
- ii) The investigating officer shall file an affidavit mentioning what steps were taken in compliance of the aforementioned clause (iv) of the said operative part.
- iii) Stand over to 27.06.2024.

(SARANG V. KOTWAL, J.)