

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1280 OF 2025
IN
INTERIM APPLICATION NO. 886 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2250 OF 2017**

Triyuginath Ramkishor Tripathi ...Applicant

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr. Gautam Pyarelal, Advocate for the Applicant.

Ms. Rutuja Ambekar, APP for the Respondent/State.

Mr. Dhanraj Chimote, Advocate for the Respondent No.2.

**CORAM : N.R. BORKAR, J.
DATE : 17.12.2025.**

P.C. :

1. This is an application for recalling the order dated 05th March 2025 in Interim Application No.885 of 2021. The said order reads thus:

- . *By these Applications, the Applicant is seeking cancellation of bail granted to Respondent No.3 in both the Applications.*
2. *This Court (Coram : P.D. Naik, J.) has granted bail by order dated 28th January 2019 to Respondent No.3 on his undertaking given to Court. In the said undertaking the Respondent No.3 has agreed that, he is ready and willing to execute the agreement in respect of the flat mentioned in the FIR, in favour of the Applicant herein. It is also stated in the undertaking that, the Applicant is also ready and willing to clear the dues of the Society in respect of the said flat and there would be no liability against the Complainant to clear*

the said dues of the Society till the Complainant occupies the premises. It is also stated that, the Respondent No.3 is Director of the M/s.Shambhu Realtor Pvt. Ltd., would take necessary steps to making said flat habitable.

3. *It is contention of learned counsel for the Applicant that though the undertaking is given, the Respondent No.3 has not handed over the said flat to the Applicant.*
4. *It appears from record that, on several occasion's, the learned counsel for Respondent No.3 assured this Court that the Respondent No.3 will follow the undertaking, but in spite of that, the flat is not handover to the Applicant. The Applicant is senior citizen. It appears that only to seek anticipatory bail the Respondent No.3 had filed false undertaking before this Court. Considering these facts, Anticipatory Bail granted vide order dated 28th January 2019 in Application Nos.2214 of 2017 and 2250 of 2017 to Respondent No.3 are cancelled.*
5. *Both the Applications are disposed of.*
6. *The Investigating Officer to take further steps."*

2. I have heard the learned counsel for the applicant and the learned counsel for respondent No.2.

3. It appears from the above order dated 5th March, 2025 that the undertaking was given to this Court that the applicant would clear the dues of the society in respect of the flat in question and that the flat would be made habitable. It is not the case of the applicant that he has complied with the said undertaking.

4. In that view of the matter, I am not inclined to recall the order dated 05th March 2025. The Interim Application is rejected.

[N.R.BORKAR, J.]