

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**30 APPLICATION FOR CANCELLATION OF BAIL NO.33 OF 2021
WITH
APPLICATION FOR CANCELLATION OF BAIL NO.34 OF 2021
WITH
APPLICATION FOR CANCELLATION OF BAIL NO.35 OF 2021**

**SONU ASHOK SAPKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Bhosle Abhaysinh K.
APP for Respondent No.1-State : Mr. A.M. Phule
Advocate for Respondent No. 2 : Mr. B.S. Deshmukh

...
CORAM : SMT. VIBHA KANKANWADI, J.

DATED : 14th FEBRUARY 2022

PER COURT:

1. Learned Advocate for the applicant prays for withdrawal of the applications with liberty to file application under Section 439(2) of Cr.P.C. before the Learned Additional Sessions Judge, Jalgaon in view of the subsequent event i.e. lodging of another F.I.R. against the respondent No.2. In view of the fact that in these applications, the applicant was praying that the bail be cancelled, as several factors were not considered by the learned Additional Sessions Judge, this Court was constrained to look into the alleged illegalities. There was no question of giving any consideration to the breach of terms of the conditions imposed by the learned Additional Sessions Judge, Jalgaon, while granting bail to the respondent No.2. As regards cancellation of

bail on the point of breach of terms of conditions imposed in the bail order is concerned, that should lie initially before the same Court and therefore, the applicant is allowed to withdraw the applications with liberty as prayed.

[SMT. VIBHA KANKANWADI, J.]

sarowar