

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

921 APPLICATION FOR CANCELLATION OF BAIL NO.127 OF 2021

JAFAR AKBAR SAYYED

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S.P. Urgunde, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent No.1

Mr. S.S. Jadhav, Advocate for the respondent No.2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22nd MARCH, 2022

PER COURT :

1 Learned Advocate for the applicant submits that now he has instructions from his client i.e. applicant that in view of the alleged breach of condition to the bail granted to respondent No.2 subsequent to the present applicant, applicant would approach learned Additional Sessions Judge, who had granted bail under Section 439 of the Code of Criminal Procedure. He submits that the term was breached by the respondent No.2 on 16.11.2021 and the present application was filed earlier to that i.e. on 28.06.2021. Therefore, he seeks liberty to withdraw this application and to approach the

learned Additional Sessions Judge.

2 In view of the fact that as regards the merits of the order are concerned, this Court was not convinced and, therefore, now as regards the subsequent event is concerned, when the applicant intends to approach the same Court, which imposed the condition, in respect of breach thereof and at the cost of repetition it is subsequent to the filing of the application, liberty needs to be given.

3 The application stands disposed of as withdrawn with liberty to applicant to approach the same Court for application under Section 439(2) of the Code of Criminal Procedure.

(Smt. Vibha Kankanwadi, J.)

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