

Nikita

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

CRIMINAL APPLICATION NO.172 OF 2025

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... Applicant

V/s.

Niranjan Maruti Shelake and Ors.

... Respondents

Mr. Sachin Pawar i/b Mr. Tejas Mane for the Applicant.

Ms. Anamika Malhotra, APP for the State.

Mr. Akash Shelke, PSI, Velapur Police Station Solapur.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23rd JUNE, 2025

P.C.:

1. Heard Mr. Sachin Pawar, learned Advocate for the Applicant.
Ms. Anamika Malhotra, learned APP for the State.
2. By the present application, Applicant is seeking cancellation of the order dated 11.12.2024 passed by the Additional Sessions Judge Malshiras in Special Case (Child Protection) No.47 of 2024.
3. Mr. Sachin Pawar learned Advocate for the Applicant submits that the cancellation of the bail is sought on the ground that the conditions imposed in the order dated 11.12.2024 being violated by the Respondent/Accused.
4. The Hon'ble Supreme Court in the case of State of Karnataka

Vs. Vinay Rajshekharappa Kulkarni¹, in paragraph No.17 has held as under:

“17. The aforesaid position taken by the Learned Trial Court is not in consonance with the decision of this Court in Gurcharan Singh (Supra). More so in view of the fact that this Court directed the Respondent to be enlarged on regular bail on such conditions as the Learned Trial Court deemed appropriate, albeit illustratively listing down certain condition. In this context, the Learned Trial Court i.e., being a Court of Sessions was entitled to entertain an application under Section 439(2) of the CrPC (now 483(3) of the BNSS) seeking cancellation of bail on the grounds of violation of bail conditions imposed by it; notwithstanding the fact that bail was granted by a Constitutional Court.”

(Emphasis Supplied)”

5. Mr. Sachin Pawar, on instructions from the Applicant seeks leave to withdraw the present application with liberty to file a appropriate application seeking cancellation of the bail before the Trial Court, on the grounds of violation of the bail conditions imposed by the order dated 11.12.2024. Leave granted to withdraw with liberty to file application before the learned Additional Sessions Judge, Malshiras, Solapur in the Special Case (Child Protection) No.47 of 2024. Such application be considered on its own merits and in accordance with law.

6. In view of the above Criminal Application No.172 of 2025 is dismissed as withdrawn with liberty as above.

(ASHWIN D. BHOBE. J.)

1 SLP (Criminal) No.7865 of 2025