

Nikita

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

CRIMINAL APPLICATION NO.29 OF 2024

Dharmendrakumar Devishankar Dubey ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondents

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Date: 2025.06.12
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Mr. Aayush Kedia for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 12th JUNE, 2025

P.C.:

1. Heard Mr. Aayush Kedia learned Advocate for the Applicant and Ms. Veera Shinde, learned APP for the State.

2. By the present application, Applicant has sought for cancellation of the bail order dated 09.06.2023, below Exhibit-(1) passed by the learned Sessions Court at Panvel, in Criminal Bail Application No.498 of 2023 releasing the Respondent No.2 on bail in C.R. No.96 of 2023 registered with the Kamothe Police Station, Navi Mumbai.

3. Mr. Aayush Kedia, learned Advocate for the Applicant submits that the Applicant is seeking cancellation of bail order dated 09.06.2023 on the grounds of violation of the bail conditions by the Respondent No.2.

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. Aayush Kedia seeks leave to withdraw the present criminal application with liberty to file an appropriate application before the Court of the learned Additional Sessions Judge Panvel. Leave as prayed for is granted, with liberty to file the application cancellation of bail before the Sessions Court. In the event of such application being filed, the same shall be considered on its own merits and in accordance with law.

6. **The Criminal Application is disposed off** in the above terms.

(ASHWIN D. BHOBE. J.)

1 SLP (Criminal) No.7865 of 2025