

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

CRIMINAL APPLICATION NO. 315 OF 2024

Manisha Houshiram Ethape. ... Applicant.
Vs.
The State of Maharashtra & Anr. ... Respondents.

Mr. Jay Salunke h/f. Mr. Nitin Gaware Patil, Advocate for the Applicant.

Mr. V.N. Sagare, APP for Respondent/State.

Mr. Vijay Dighe, Advocate for Respondent No. 2.

PSI Anil Sarjerao Chavan, Ranjangaon MIDC Police Station, Pune.

CORAM : ASHWIN D.BHOBE, J.

DATE : 17th JUNE, 2025.

P.C. :

1. Heard Mr. Jay Salunke, learned Advocate for Applicant and Mr. V.N. Sagare, learned APP for State.

2. By the present Application, the Applicant has sought for the following relief :

“B) Quash and set aside the impugned order dated 24.04.2023, passed by learned Additional Sessions Judge, Pune below Exh. 1 in Criminal Bail Application No. 2324/2023, and the respondent No. 2 may kindly be committed to custody by effecting his arrest and for that purpose issue necessary orders.”

3. Respondent No. 2 was released on bail by the Court of the learned Additional Sessions Judge by its order dated 24th April, 2023 passed below Exh. 1 in Criminal Bail Application No. 2324 of 2023.

4. Mr. Jay Salunkhe, learned Advocate for the Applicant submits that the Applicant is seeking cancellation of bail granted to the Respondent No. 2 on the ground of violation of bail condition imposed by the learned Additional Sessions Judge.

5. The Hon'ble Supreme Court in the case of *State of Karnataka v/s. Vinay Rajashekharappa Kulkarni*¹ has observed in paragraph-17 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 SLP (Crl.) No. 7865 of 2025 Page 11 of 12 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

1 SLP(Criminal) No. 7865 of 2025.

bail conditions imposed by it; notwithstanding the fact that bail was granted by a Constitutional Court.”

6. In view of the above, Mr. Jay Salunke, learned Advocate for the Applicant on instructions from the Applicant crave leave to withdraw the present Application and to move appropriate Application before the Court of Additional Sessions Judge, Pune in Crime No. 1054 of 2023 seeking cancellation of bail on the grounds of violation of bail condition. Leave granted. In the event, any such application is filed, the learned Sessions Court shall consider the same on its own merits and in accordance with law.

7. In view of the above, Criminal Application No. 315 of 2024 is dismissed as withdrawn with liberty as prayed.

[ASHWIN D.BHOBE, J.]