

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

CRIMINAL APPLICATION NO. 368 OF 2024

XYZ

...Applicant

Versus

Niranjan Bajirao Ghule and Anr.

...Respondents

Mr. Tanveer Aziz Patel a/w Mr. Rohit Bhoir, learned Advocates for the Applicant.

Mr. Vinod Chate, learned A.P.P. for the State/Respondent.

Mr. Hrishikesh Ghorpade a/w Mr. Siddharth Sutaria, learned Advocates for Respondent No. 1.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th JUNE 2025.

P.C. :

1. Heard Mr. Tanveer Patel, learned Advocate for the Applicant, Mr. Hrishikesh Ghorpade, learned Advocate for Respondent No. 1 and Mr. Vinod Chate, learned A.P.P. for the State/Respondent No. 2.

2. Mr. Tanveer Patel, learned Advocate for the Applicant states that the present Application is for cancellation of the order dated 14th March 2024, passed by the learned Session Court, Pune in Criminal Bail Application No. 959 of 2024, which is in connection with the First Information Report bearing No. 253 of 2024. He submits that the present Application for cancellation is made on the ground of violation of the bail condition imposed in the said order dated 14th March 2024.

3. In the case of *State of Karnataka v/s. Vinay Rajashekharappa Kulkarni*¹, it is held that

¹ SLP (Criminal) No. 7865 of 2025 decided on 6th June 2025.

“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 Cr.P.C. (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.”

4. Mr. Tanveer Patel, learned Advocate on instructions from the Applicant seeks leave to withdraw the present Application with liberty to move the learned Sessions Court, Pune by filing an appropriate Application. Leave granted to withdraw the present Application with liberty to file an appropriate Application before the Court of learned Sessions Judge, Pune. In the event of such Application being filed, the same shall be considered on its own merits and in accordance with law.

5. Criminal Application No. 368 of 2024 is dismissed with liberty as prayed.

[ASHWIN D. BHOBE, J.]