

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

CRIMINAL BAIL APPLICATION NO. 3206 OF 2024

Virendrasinh Sharadchandra Tawade ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Shubhada Khot a/w Mr. Virendra Ichallkaranji, Mr. Siddh Vidya i/b Ms. Ameeta Kuttikrishnan, Mr. Danish Patel, Ms. Shambhavi Desai and Ms. Gayati Pore, learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

Mr. Amit Singh a/w Ms. Janhavi Jadhav i/b Abhay Nevagi & Associates, learned Advocates for the Intervenor.

PI Mr. Santosh Subalkar attached to ATS, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th JULY 2025.

P.C. :

1. Heard Ms. Shubhada Khot, learned Advocate for the Applicant, Ms. Veera Shinde, learned A.P.P. for the State/Respondent and Mr. Amit Singh, learned Advocate for the Intervenor.

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

“(a) The order dated 16th July 2024 passed by the learned Additional Sessions Judge, Kolhapur below Exhibit-261 in Sessions Case No. 3 of 2016, may kindly be quashed and set aside as being illegal, null and void and the order dated 30th January 2018 passed by the

learned Additional Sessions Judge, Kolhapur below Exhibit-95 in Sessions Case No. 3 of 2016, thereby releasing the Applicant/original Accused No. 2 on bail, may kindly be restored to file.”

3. Ms. Veera Shinde, learned A.P.P. for the State/Respondent submits that the Applicant having approached this Court seeking to question the order dated 16th July 2024 passed by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 3 of 2016, canceling the bail granted to the Applicant, the appropriate remedy for the Applicant would be to question the said order by invoking the inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short). She relies on the order dated 16th July 2025 passed by the Coordinate Bench of this Court in Criminal Application No. 632 of 2025. She relies on paragraph no. 1 of the said order, which reads as follows :-

“By the present Criminal Application, the Applicant is challenging the legality and propriety of the order dated 21st February 2025 passed by the learned Additional Sessions Judge, Kalyan, whereby the bail granted earlier to the Applicant came to be cancelled. At the outset, it may be noted that the said order is not an interlocutory order within the meaning of Section 397(2) of the Criminal Procedure Code, 1973 (or corresponding provisions under Section 429 of the Bharatiya Nagarik Suraksha Sanhita, 2023). The order cancelling bail has direct and substantial impact on the rights of the Applicant, and hence, it is amenable to judicial review by this Court. Therefore, the Applicant was justified in not filing an appeal but in invoking the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. / Section 528 of the BNSS. These provisions empower the High Court to make such orders as may be necessary to give effect to any order

under the Code or to prevent abuse of the process of the Court or to secure the ends of justice. Since the cancellation of bail has far-reaching consequences on the liberty of the Applicant, this Court is of the opinion that the Applicant has rightly approached this Court under the said provisions.”

4. Faced with the said situation, Ms. Shubhada Khot, learned Advocate for the Applicant submits that the present Bail Application filed by the Applicant is under Section 482 of Code of Criminal Procedure, 1973, i.e., now Section 528 of the BNSS. In view of the same, Ms. Shubhada Khot, learned Advocate submits that the matter will have to be placed before the Court having assignment to consider such matters.

5. Ms. Veera Shinde, learned A.P.P. submits that in view of the statement made by Ms. Shubhada Khot, learned Advocate, the subject matter of the present Bail Application would not be a part of assignment of this Court.

6. In view of the above, remove the matter from board.

[ASHWIN D. BHOBE, J.]

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