

Nikita

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

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CRIMINAL APPLICATION NO.7 OF 2025

Rajesh Suresh Jadhav ... Applicant
V/s.
Tousif Chandso Mujawar and Anr. ... Respondents

Ms. Manisha Devkar a/w Ms. Siddhi Patil for the
Applicant.

Mr. V. N. Sagare, APP for the Respondent No.2/State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 13th JUNE, 2025

P.C.:

1. Heard Ms. Manisha Devkar, learned Advocate for the Applicant. Mr. V. N. Sagare, learned APP for the Respondent No.2/State.
2. By the present Application, Applicant is seeking cancellation of the bail granted to the Respondent No.1, by order dated 02.12.2024, passed by the learned Additional Sessions Judge, Pandharpur in Criminal Miscellaneous Application No.852 of 2024 in connection with Crime No.617 of 2024, registered with Mangalwedha Police Station, District Solapur.
3. Ms. Manisha Devkar, learned Advocate for the Applicant submits that the Applicant is seeking cancellation of bail on the

grounds of violations of bail conditions imposed by the order dated 02.12.2024, in Criminal Miscellaneous Application No.852 of 2024.

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. Ms. Manisha Devkar, learned Advocate for the Applicant, seeks leave to withdraw the application with liberty to file an appropriate application before the Court of Sessions seeking cancellation of the bail. Leave granted to withdraw the present application. Liberty to the Applicant to file an appropriate application before the Court of Sessions, seeking cancellation of the bail on the grounds of violation of bail conditions imposed by the order dated 02.12.2024, passed in Miscellaneous Application No.852 of 2024.

6. In the event of any such application is filed, the same shall be considered on its own merits and in accordance with law.

¹ SLP (Criminal) No.7865 of 2025

7. Criminal Application No.7 of 2025 is disposed off with liberty as prayed for.

(ASHWIN D. BHOBE. J.)