

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

CRIMINAL APPLICATION NO. 68 OF 2025

XYZ. ... Applicant.
Vs.
Faijan Rahim Kondvilkar & Anr. ... Respondent.

Mr. Abhinandan B. Vagyani i/b. Mr. Sumit A. Shinde, Mr. C.M. Lokesh, Advocate for the Applicant.
Dr. A.A. Takalkar, APP for Respondent/State.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 12th JUNE, 2025.**

P.C. :

1. After having heard the matter for some time, Mr. Abhinandan Vagyani, learned Advocate for the Applicant on instructions of the Applicant who is present in the Court seeks leave to withdraw the present Application with liberty to file appropriate application before the learned Sessions Court seeking cancellation of bail on the ground of violation of the bail conditions by the Respondent No. 1.

2. The Hon'ble Supreme Court in the case of State of

Karnataka v/s. Vinay Rajashekharappa Kulkarni¹ SLP (Cr.) 7865 of 2025 in paragraph-17 has observed as follows :

“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.”

3. In view of the above, leave as prayed by the Applicant is granted. Applicant is at liberty to file appropriate application before the Court of learned Sessions Judge on the ground of violation of bail conditions by the Respondent No.1. In the event of such application being filed, the same shall be considered on its own merits and in accordance with law.

4. Criminal Application No. 68 of 2025 is dismissed as withdrawn with liberty as stated herein above.

[ASHWIN D.BHOBE, J.]

¹ SLP (Cr.) 7865 of 2025