

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

CRIMINAL APPLICATION NO. 273 OF 2025

Shrenik Satish Muttha

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prabhakar Manohar Jadhav, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

PSI Mr. Shirke (Investigating Officer) attached to Nigdi Police Station, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 15th JULY 2025.

P.C. :

1. Heard Mr. Prabhakar Jadhav, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application, Applicant is seeking cancellation of bail granted to Respondent No. 2 by order dated 15th May 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No. 2823 of 2025. Cancellation of bail is sought on the ground of violation of the bail conditions, imposed by order dated 15th May 2025.

3. The Hon'ble Supreme Court in the case of *The State of Karnataka v/s. Vinay Rajashekharappa Kulkarni*¹, has held that

“17. The aforesaid position taken by the Learned Trial Court is not in consonance with the decision of this Court

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

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. In view of the above, Mr. Prabhakar Jadhav, learned Advocate on instructions from the Applicant seeks leave to withdraw the present Application with liberty to file an Application seeking cancellation of bail granted to Respondent No. 2 by order dated 15th May 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No. 2823 of 2025 before the learned Trial Court. Leave to withdraw the present Application to file appropriate Application before the learned Trial Court on the ground of violation of the bail conditions imposed by the said order dated 15th May 2025, is granted. If such Application is filed by the Applicant before the learned Trial Court, the same be considered on its own merits and in accordance with law.

5. In view of the above, Criminal Application No. 273 of 2025 is dismissed as withdrawn with liberty as prayed.

[ASHWIN D. BHOBE, J.]

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