

VRJ

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

CRIMINAL APPLICATION NO.283 OF 2025

Harsh Prasun Pandey ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Mr. Sandeep Mishra with Madhura Mulay for the applicant.

Mr. Sagar R. Agarkar, APP for the State.

Mr. Gajanan Jinkalwad, PSI, Mira Road Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 29, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, praying for relaxation of condition Nos. (b) and (c) imposed by the learned trial Court in its order dated 19th June 2020, while granting bail. It is important to note that the applicant is not seeking regular bail, but is specifically aggrieved by the refusal of the trial Court to modify or relax the said conditions. However, the statutory scope of Section 439 of the Code of Criminal Procedure is confined to granting or refusing bail, and does not empower this Court to exercise judicial review over the correctness or legality of interlocutory orders passed by subordinate Courts in the context of relaxation or modification of bail conditions.

2. Judicial review of such orders passed by the trial Court, rejecting or refusing to alter bail conditions, can only be undertaken through an appropriate proceeding such as a criminal revision under Sections 397 or 401 of Cr.P.C., or by filing a writ petition or a criminal application under Article 226 or 227 of the Constitution of India, as the case may be. Since the present application is filed under Section 439, which does not contemplate scrutiny of the trial Court's discretionary decision on modification of conditions already imposed, this Court cannot enter into the merits or legality of the order dated 19th June 2020 or the subsequent rejection thereof. Entertaining such a request under Section 439 would amount to exercising a jurisdiction not conferred by the statute and bypassing the procedural safeguards envisaged under the Code for such challenges.

3. In view of the above legal position, and without expressing any opinion on the merits of the rival contentions raised by the learned counsel for the parties, this Court deems it appropriate to dispose of the present application, while keeping all rights and contentions of the applicant open. It is clarified that the applicant shall be at liberty to seek appropriate relief by taking recourse to the remedy available in law, in a properly instituted proceeding. Accordingly, the present application stands disposed of.

(AMIT BORKAR, J.)