

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.602 OF 2026
IN
CRIMINAL APPLICATION NO.700 OF 2025

Aliasgar Aliakbar Merchant ... Applicant

Versus.

State Of Maharashtra And Anr ... Respondents

Mr. Karan Jain, Advocate for the Applicant.

Mr. Sukanta Karmakar, APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16th April 2026

P.C.:

1. This Interim Application is circulated in view of the praecipe dated 15.04.2026, which is taken on record and marked "X" for identification.

2. Heard, Mr. Karan Jain learned Advocate for the Applicant and Mr. Sukanta Karmakar, learned APP for the State.

3. By the present Application, the Applicant has sought the following relief in prayer clause (a), which reads as under:-

(a) This Hon'ble Court may be pleased to relax/delete the said condition imposed upon

the Applicant whereby the Applicant is “not to leave the country without prior permission of the Hon’ble Court”, passed by the Ld. JMFC Court vide order dated 06.07.2023 in the bail Application of the Applicant in PW/470/2023, pending before Additional Chief Metropolitan Magistrate 37th Court at Esplanade Court, Mumbai and only on intimation to the investigation officer along with other particulars such as travel date, places, mobile and e-mail id to be used while travelling”;

4. Mr. Karan Jain learned Advocate for the Applicant states that by the present Interim Application, the Applicant seeks modification/relaxation of the bail condition imposed by the Additional Chief Metropolitan Magistrate, 37th Court at Esplanade Court, Mumbai (hereafter “Magistrate”), vide order dated 06.07.2023 passed in Case No. PW/470/2023.

5. Mr. Karan Jain learned Advocate for the Applicant, submits that the Applicant has filed Criminal Application No. 700 of 2025 before this Court challenging the FIR no. 654 of 2022 dated 12.08.2022 and the Charge sheet registered as Case No. PW/470/2023. He submits that this Court, by order dated 03.07.2025, passed in Criminal Application No. 700 of 2025, has granted interim relief in terms of prayer clause

(b), as a result of which the proceedings of Case No. PW/470/2023 before the Magistrate are stayed.

6. Order dated 03.07.2025 passed in Criminal Application No. 700 of 2025, reads as follows:-

“1) Heard Mr. Ponda, learned senior counsel for the Applicant.

2) Arguable questions are raised.

3) Admit.

4) Interim relief in terms of prayer clause (b)”.

7. Mr. Karan Jain learned Advocate for the Applicant, submits that in view of the order dated 03.07.2025 passed in Criminal Application No. 700 of 2025, the Applicant is unable to apply to the Magistrate for modification/relaxation of the condition in the Bail Order dated 06.07.2023. He submits that the matter is urgent and therefore requests this Court to consider modifying or relaxing the said bail condition imposed in the Bail Order dated 06.07.2023 passed by the Magistrate in Case No. PW/470/2023.

8. In the alternative, Mr. Karan Jain learned Advocate for the Applicant submits that the Magistrate be permitted to deal with Case

No. PW/470/2023 for the limited purpose of permitting the Applicant to file an appropriate Application before the Magistrate seeking modification / relaxation of the conditions imposed in the Bail Order dated 06.07.2023 passed in Case No. PW/470/2023.

9. Mr. Sukanta Karmakar, learned APP for the State, does not object to the alternate request made by Mr. Karan Jain learned Advocate for the Applicant. He submits that it is for the Magistrate to consider the request, whether to modify or relax the condition imposed in the Bail Order dated 06.07.2023 passed in Case No. PW/470/2023. He submits that the Applicant be permitted to file an appropriate Application before the Magistrate, making out a case for modification / relaxation of the condition imposed in the Bail Order dated 06.07.2023 and the Magistrate be directed to consider the said request made by the Applicant.

10. In view of the above and by consent of parties, the following order is passed:-

- a. The Applicant is permitted to file an appropriate Application before the Magistrate in Case No. PW/470/2023 seeking modification/relaxation of the condition imposed in the Bail Order dated 06.07.2023 in Case No. PW/470/2023.

- b. If the Applicant files an Application before the Magistrate in Case No. PW/470/2023 seeking modification or relaxation of the bail condition, the Magistrate, for the limited purpose of such Application, is permitted to take up Case No. PW/470/2023 for consideration. The Magistrate shall consider the Application proposed to be filed by the Applicant on its own merits and strictly in accordance with law, after affording the parties concerned an opportunity of hearing.

11. The Interim Application No.602 of 2026 is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)