

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

**CRIMINAL BAIL APPLICATION NO.1341 OF 2021**

Dipak Narayan Dandekar ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr.Kedar Patil for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent –State.

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**CORAM : C.V. BHADANG, J.**

**RESERVED ON : 10 FEBRUARY 2022**

**PRONOUNCED ON : 11 APRIL 2022**

**P.C.**

. This is an application for bail. The applicant-accused no 1 along with co-accused has been charge-sheeted for the offence punishable under section 435,440,285,286,308,201 120(B) read with section 34 of IPC and section 4 of the Explosives Act arising out of Crime no 136/2019 of PS Kalamboli Distt Raigad.

2. On 17 June 2019 a watchman and peon at Navin Sudhagad High School noticed a suspicious object on a cart opposite School gate. The matter was reported to the police. The police arrived at the spot followed by a Bomb Detection and

Disposed Squad (BDDS) and sniffer dogs from Navi Mumbai. The object was found to be a thermocol box on a sheet with an iron box containing a watch, a plastic can with liquid and exide batteries. A panchnama was drawn and the object was seized after firing two rounds of water jet with no effect on the object. The BDDS squad with IED management and CRPF Talegaon by taking adequate precautions destroyed the object with the help of Try Nitro Tolune (TNT ) and 33 electric detonators on 18 June 2019 at 12.30 am. The residue from the site of destruction were collected and sent for report of the analyst. An offence under the relevant sections was registered against unknown persons. During the investigation the CCCTV footage of the spot was recovered wherein two persons were found pushing the cart, on which the object was found, in front of the school. The statement of the shopkeeper from whom the articles were purchased came to be recorded. The applicant along with accused nos 2 and 3 were arrested on 4 July 2019. The accused no 4 was arrested on 10 July 2019. After completion of the investigation a charge-sheet is filed.

3. According to the prosecution, it transpired during the investigation that the applicant with accused nos 2 and 3 had assembled two bombs with the intention of carrying out explosion of one of them and then to send the pictures of the same to Kirti Shah who is a builder, in order to extract Rs.3(Three crores) from him and to spread terror. The accused no 2 Sushil

Sathe was found to have kept the bomb on the handcart near the school by concealing his identity. The accused no 4 Suresh Rathod according to the prosecution had provided the material for preparation of the bomb/IED device to accused nos 1 to 3.

4. I have heard the learned counsel for the parties. Perused record.

5. It is submitted by the learned counsel for the applicant that the object/article found on the cart cannot be said to be a bomb or an IED/ Explosive device under the Explosives Act. It is submitted that the bomb squad used TNT for destroying the object/device. It is submitted that the post explosion residues of ammonium nitrate are due to the same and cannot establish that the object found and destroyed was containing ammonium nitrate or any other explosive material. The learned counsel has referred to the report dated 1 July 2019 in this regard.

6. It is submitted that two co-accused Manish Bhagat and Suresh Rathod have been released on bail. The investigation is complete and the charge-sheet is filed. It is therefore submitted that the further detention of the Applicant behind the bars is not necessary.

7. The learned APP has submitted that there is sufficient material collected during the course of the investigation that the Applicant in conspiracy with the co-accused had assembled the explosive device which was kept in front of the said school, in order to spread terror. It is submitted that the offence is serious. There are criminal antecedents against the Applicant. He therefore submitted that no case for grant of bail is made out.

8. I have considered the circumstances and the submissions made. The perusal of the statements of the Builder Kirti Hemant Shah, *prima facie* shows the object of the conspiracy. The record discloses that the Applicant and the other co-accused were found continuously in touch with each other and had purchased the material for assembling of the device.

9. The learned Sessions Judge has also noticed that consequent to a memorandum panchnamma, at the instance of the Applicant one live hand made bomb was recovered from the rental premises containing traces of explosive material. No parity arises with the co-accused and in any event the learned Sessions Judge in his discretion has refused parity on the basis of the release of co-accused Manish Bhagat and Suresh Rathod on bail.

10. It is necessary to note that the devise was kept in front of a school in a public place and but for its early detection

could have had disasters results. The contentions raised on behalf of the Applicant will have to be considered at the trial.

11. The learned APP has also pointed out that there are criminal antecedents against the Applicants wherein he is facing prosecution in four cases. No case for grant of bail is made out. The Criminal Application stands rejected.

**C.V. BHADANG, J.**