

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4024 OF 2024

Deepak N. Dandekar ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Mubin Solkar a/w. Mr. Tahir Hussain, Adv. Anas Shaikh i/b
Mr.A.R. Bukhari for the Applicant.
Mr. Mr. Vinod Chate, APP for the Respondent/State
PSI Ajaykumar Mohite, Unit-2 Crime Branch Navi Mumbai present.

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CORAM : N.R. BORKAR, J.
DATE : 05.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.163 of 2019 registered at Kalamboli Police Station, Dist. Navi Mumbai for the offences punishable under Sections 435, 440, 285, 286, 120(B), 201, 308 read with 34 of the Indian Penal Code and Section 4 (A) (B)(1) of the Explosive Substance Act.
3. On 17.06.2019, 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 Bomb Detection and Disposal Squad and Sniffer Dogs were summoned. 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.

The object was destroyed with the help of Try Nitro Tolune. The residue from the site of destruction were collected and sent for forensic analysis. The crime was registered against the unknown persons. During the course of investigation, the CCTV footage of the spot was recovered wherein two persons were found pushing the cart on which the object was kept. On 4.7.2019, the applicant along with other co-accused were arrested.

4. According to the prosecution, the said object was kept by the present applicant and other co-accused with intention of carrying out explosion and then to send the pictures of the same to one Builder in order to extract amount of Rs.3 crore from him and to spread terror. The co-accused Sushil Sathe was found to have kept the said explosive object on the handcart near the school and the accused No.4 Suresh had provided the material for preparing the said explosive object.

5. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

6. Learned counsel for the applicant has drawn my attention to the order passed by this Court dated 2.3.2024 in Criminal Bail Application No. 5 of 2024. By the said order, this Court directed the trial Court to conclude the trial within a period of six months. Learned counsel for the applicant submits that as on today, the applicant is in jail for more than 5 and ½ years and except framing of charge, there is no progress in the trial. It is submitted that in

all there are 108 witnesses and the trial is not likely to be concluded in near future. It is further submitted that all other co-accused are on bail.

7. On the other hand, learned APP for the respondent/State submits that this Court by order dated 11.4.2022 in Criminal Bail Application No. 1341 of 2021 has rejected the bail application of the present applicant on merits. It is submitted that the applicant is involved in serious crime. It is further submitted that there are criminal antecedents against the present applicant for similar offences. It is thus submitted that the applicant may not be released on bail.

8. As regards the criminal antecedents, learned counsel for the applicant submits that the applicant has already been acquitted in the said crimes. The applicant is in jail for more than 5 & ½ years and inspite of directions by this Court there is no substantial progress in the trial. All other co-accused have been granted bail. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 163 of 2019 registered at Kalamboli Police Station, Dist. Navi Mumbai for the offences punishable under Sections 435,

440, 285, 286, 120(B), 201, 308 read with 34 of the Indian Penal Code and Section 4 (A) (B)(1) of the Explosive Substance Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a week, i.e., on every Monday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not commit any other crime.

E] It would be open to the State to file an application for cancellation of bail, if the applicant commits breach of any of the aforesaid conditions.

[N.R.BORKAR, J.]