

MHCC050027932025



IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO. 476 OF 2025
(CNR NO. MHCC05-002793-2025)

IN

(C.R. NO. 309 OF 2025 WITH MHB COLONY POLICE STATION)

Deva Alias Devraj Sidhhesh Patil
Aged : 22 Years, Occ : Service
Residing at : Galli No.1, Ganpat
Patil Nagar, I C Colony, New Link
Road, Borivali (West),
Mumbai- 400 103.

...Applicant

V/s.

The State of Maharashtra
(At the instance of MHB Colony Police
Station, Mumbai)

...Respondent

Ld. Adv. Mr. Bimlesh S. Jha for Applicant
Ld. APP Ms. R.S. Kanojia for State/Respondent.

CORAM : HIS HONOUR ADDITIONAL SESSIONS JUDGE
SHRI. S. M. AGARKAR (C.R. No.15)

DATE : 10th June, 2025.

ORAL ORDER

Present application is filed by the applicant for Bail under
Section 483 of Bharatiya Nagarik Suraksha Sanhita in connection with
C.R.No.309 of 2025 registered at MHB Colony Police Station for

offences punishable under Sections 109, 326(f), 326(g), 351(3), 3(5) of Bhartiya Nyay Sanhita, 2023 with Sections 37(1)(a), 135 of Maharashtra Police Act.

2 Heard the Learned advocate Mr. Mr. Bimlesh S. Jha for the Applicant. He submits that this is a first bail application of the applicant. He has not committed any offence and falsely implicated in crime. He further submits that FIR does not disclose any assault by the applicant to attract the offence under Sections 109 and 326(g) of BNS. There is delay in lodging FIR. The applicant is ready to abide the conditions. He has requested for bail.

3 Per contra, Learned APP, Ms. R.S. Kanojia for the State and Investigating officer, API Mr. Babulal Shinde submits that present applicant has criminal antecedent. Two crimes of serious nature are registered against him. The co-accused are absconded. The investigation is at initial stage. There is an ample evidence to show the involvement of the applicant in commission of serious offences. If the applicant is enlarged on bail, there is possibility of tampering of evidence. Hence, requested to reject the bail application.

4 FIR is lodged by one Mrs. Juli Kevat. It is alleged therein that co-accused Shadab Mekrani is history sheeter goon in area. He and his team has terror in the area. On 28/03/2025, some of the residential, i.e. Murari Chaudhary and his brother Tripurari Chaudhary assaulted to the co-accused Shadab Mekrani by means of knife. The crime is registered in that respect on the complaint lodged by the co-accused Shadab. The

son of the complainant went to the Court to meet to Murari Chaudhary and Tripurari Chaudhary. (Accused in the case on the complaint Shadab co-accused in this case). On that count, co-accused Shadab and the present applicant on mobile phone gave threat to kill the son of complainant. On his complaint, N.C. Report was registered against the Shadab on 10/04/2025. On that, accused Shadab and his companions started movement in the night near the house of the complainant. One day, Shadab Mekrani issued threat to the complainant to see her and her family members and he will kill all by burning their home. Thereafter, on 13/05/2025, at about 23.00 Hours, complainant parked his Suzuki Company Access 125 two wheeler bearing No.MH 47 BQ 6601 out of house and slept in house. On 14/05/2025, at about 1.40 a.m., the complainant noticed smoke inside the house.

5 Later, they noticed that fire caught by the two wheeler and also the things kept in window. The complainant and her husband extinguished fire caught by two wheeler and window of house. As they were unaware about the reason of fire, they simply informed to the police station about the fire caught by the two wheeler on 14/05/2025. The cousin of the complainant informed her that he noticed Shadab and the present applicant alongwith other co-accused Pravin Gaikwad, Nilesh Singh were putting fire to the two wheeler of the complainant and window of her house. However, out of fear, they have not lodged any report on that day. Thereafter, on 21/05/2025, at about 8 to 8.30 p.m. co-accused Shadab Mekrani, Pravin Gaikwad and Nilesh Singh while passing from the house of the complainant, threatened to kill her and her family members. They also uttered that they put a fire to her house and two wheeler. However, they survived from the said incident.

At that time, co-accused Shadab also shown knife in his hand and they issued threat to the complainant. Thereafter, the complainant lodged report on 23/05/2025.

6 I have gone through FIR and papers of investigation. Perusal of FIR, would show that there is inordinate delay of nine days in lodging FIR. It would not be out of place to mention here that as per FIR, the complainant was informed about the reason of incident and about the person connected with said incident on 14/05/2025 itself by the eye witness. Thus, the cause of delay is not because of unawareness of the reason of the incident.

7 Apart, perusal of FIR would further show that the prime accused is Shadab Mekrani. The role attributed to the applicant is he was accompanying main accused Shadab. Apart from admissibility of the statement made to police by the applicant and co-accused, such a statement shows that only Shadab poured petrol on two wheeler and on the house of the complainant and then put fire thereto. The applicant was accompanied him at that time. It is necessary to mention that the FIR does not disclose any assault by the applicant to complainant or any other person with an intention to kill them. According to the Investigating Officer, as the applicant and co-accused threatened to kill the complainant and then fire incident occurred, that was the attempt to kill the complainant. However, neither spot panchnama nor statement of either of the witness shows any fire incident occurred inside the house. In case of such an incident, the accused could have poured the petrol inside the house. The spot panchnama prima facie

shows that the two wheeler and the window nearby suffered fire. Considering the lesser role of the applicant and for the reasons stated above, I am of the view that applicant has made out case for bail. Appropriate conditions can be imposed for smooth investigation. Hence, I pass the following order.

ORDER

- 1 Criminal Bail Application No. 476 of 2025 is allowed.
- 2 **Applicant Deva Alias Devraj Sidhresh Patil** shall be enlarged on bail on his execution of personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) and on furnishing one or two sureties in the like amount, in Crime No.309 of 2025 registered with MHB Colony Police Station for the offences punishable under Sections 109, 326(f), 326(g), 351(3), 3(5) of Bhartiya Nyay Sanhita, 2023 with Sections 37(1)(a), 135 of Maharashtra Police Act, on the following conditions-

(a) Upon release from prison he shall attend the concerned police station between 10.00 a.m. to 1.00 p.m. on every Monday for three months or till filing of charge-sheet whichever occurs earlier. He shall also attend the investigating officer as and when called for investigation and for that purpose he shall handover to the Investigating Officer his address proof, Mobile Number and shall update him any change occur therein.

(b) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any other persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or any other officer.

(c) The applicant-accused shall not tampered the evidence or attempt to influence any witnesses in any manner.

3 In case of breach of any of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

4 Bail before the Learned Magistrate.

5 Criminal Bail Application No.476 of 2025 stands disposed of accordingly.

(S. M. Agarkar)

Date : 10/06/2025

Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Div.,Dindoshi, Mumbai.

Date of dictation : 10/06/2025

Date of transcription : 11/06/2025

Checked & Signed by HHJ on : 13/06/2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE 13/06/2025
AND TIME : 05.29 p.m.

Mrs. P. P. Dabholkar
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S.M. Agarkar (Court Room No.15)
Date of Pronouncement of Judgment/Order	10/06/2025
Judgment/Order signed by P.O. on	13/06/2025
Judgment/Order uploaded on	13/06/2025