



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

BAIL APPLICATION EXHIBIT-3

IN

SESSIONS CASE NO. 415 OF 2020

IN

(C.R. No.215 of 2020 of Kurar Police Station)

Suraj Eknath Uttekar, 21 years, Indian	]	
Inhabitant, residing at Shivshakti Chawl,	]	
Datta Mandir Road, Ambedkar Nagar,	]	
Appapada, Kurar Village, Malad (E),	]	
Mumbai 400 097.	]	...Applicant

Versus

The State of Maharashtra,	]	
(at the instance of Kurar Police Station in	]	
C.R. No.215/2020)	]	..Respondent

Ld. Adv. Vikas Singh for the applicant.

Ld. APP Usha Jadhav for the State.

**CORAM : SHRI M. I. LOKWANI,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.**

DATE : 21st July, 2022

ORAL ORDER

This bail application filed by the applicant for grant of bail under Section 439 of the Criminal Procedure Code, in connection with Crime

No.215/2020, registered at Kurar Police Station for offences punishable under Sections 302, 384, 504 r/w. 34 of Indian Penal Code.

Brief facts of the prosecution case are as under :

2. That on 15.04.2020, applicant stolen three Pigeons of Karan. On the same day, the complainant and his friend Raj Gupta were chatting, at that time, applicant came there and stated that he is ready and willing to return the Pigeons of Karan, therefore, complainant called Karan. Thereafter, applicant ready to give but stated that his brother (CCL) Aniket Utekar is taking care of Pigeons. Therefore, he has to ask him and after that he will return the Pigeons. It is stated that after sometime, Aniket With his friend Badal Rathod (CCL) came on the spot. There were big conversation took place between them. Aniket Utekar (CCL) asking for expenses while taking care of the Pigeons but Karan refused to pay any amount. Hence, quarrel took place between then. In the incident, the applicant assaulted Karan by knife on his stomach to which death of Karan caused while he was taking treatment. Hence, report lodged by the complainant against he applicant and others (CCL) at Kurar Police Station.

3. The Ld. Advocate for applicant submitted that the alleged incident took place in sudden fight and there is no intention of the applicant. The applicant is a victim of the circumstances. The applicant is young man and has no criminal antecedents. There is no corroboration in order to connect the applicant with the alleged offence. The applicant is ready to abide any condition imposed upon him. Chargesheet is already filed. Hence, prayed for release the applicant on bail.

4. On the other hand, the Ld. APP raised strong objection in view of reply Ex.5 and submitted that the alleged offence committed with an intention and applicant is main person who assaulted by knife stomach of the deceased. The offence under Section 302 is serious in nature. If the accused is released on bail then there possibility to pressurise the witnesses and complainant because they are living in the same area or locality. There is also possibility to flee from justice and abscond. Hence prayed for rejection of application.

5. Considering the above submissions of both sides and gone through the record, it appears that accused involved in crime No.215/2020 of Kurar Police Station for the offences punishable under Sections 302, 384, 504 r/w. 34 of Indian Penal Code. The applicant is the person, who assaulted the deceased by knife. The applicant played vital role in this crime. Considering the accusation against the applicant, which is serious in nature. If he is released on bail, then possibility of tampering the prosecution witnesses which cannot be ruled out. The alleged weapon knife recovered from the applicant as per statement made by him.

6. The Ld. Advocate for applicant relied upon case of **Pradeep Shivaji Shinare V/s. The State of Maharashtra, decided by Hon'ble high Court on 11.12.2012 in Criminal Application No.1844/2012**. I have gone through the said case and considering the facts of the case in hand, it appears that fact of both the cases are different. Hence, not helpful for the applicant.

7. Considering the nature of offence and accusation made against the applicant, I do not find case to grant bail in favour of the applicant,

even after filing of the chargesheet. Hence, I proceed to pass following order.

ORDER

Criminal Bail Application Ex.3 in Session Case No.425/2020, filed by applicant Suraj Eknath Uttekar, in connection with Crime No.215/2020, registered at Kurar Police Station for the offences punishable under Sections 302, 384, 504 r/w. 34 of Indian Penal Code is hereby rejected and disposed of accordingly.

(M. I. LOKWANI)

Dt.21.07.2022

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai.

Pronounced on : 21.07.2022
Transcribed by Steno on : 21.07.2022
Checked & Signed by HHJ on : 21.07.2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 25.07.2022 AT 04.15 NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	21/07/2022
JUDGEMENT/ORDER signed by P.O. on	21/07/2022
JUDGEMENT/ORDER uploaded on	25/07/2022