

MHRG170008612023



**ORDER BELOW EXH. 24**  
**IN SESSIONS CASE NO.71/2023**  
**KALAMBOLI POLICE STATION C.R.NO.163/2019**  
**THE STATE V/S. DEEPAK NARAYAN DANDEKAR AND OTHERS**  
**( PASSED ON 30<sup>th</sup> DAY OF OCTOBER, 2023. )**

This application is on behalf of the applicant/accused No.1-Deepak Narayan Dandekar for deleting the condition of surrendering and to enlarge him on bail vide Section 439 of the Code of Criminal Procedure .

2. The prosecution strongly opposed to grant him bail.
3. Points for the determination and my findings thereon for the reasons stated below ;

SR. NO.	POINTS	FINDINGS
I.	Whether grounds are justified to delete the condition of surrender and to extend the accused on regular bail in terms of prayer ?	No.

II.	What Order ?	The application is Dismissed.
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### **REASONS**

4. Perused application. Heard learned advocate Shri.Bukhari for the applicant/accused and learned A.P.P Shri.C.Y.Patil for State.

### **AS TO POINTS NO. I AND II :**

### **BRIEF FACTS OF PROSECUTION :**

5. The present applicant is accused No.1 in a prosecution bearing Sessions trial No.71/2023 for the offence under Section 435, 440, 285, 286, 120-B, 201, 308, 34 of the Indian Penal Code and Section 4(A)(1) of the Explosive Substances Act. The present applicant is the kingpin of the crime. His bail applications are dismissed by this court as well as by Hon'ble High Court. His second application for bail on medical ground before Hon'ble High Court is disposed of with liberty to file fresh application before this court on medical ground. Accordingly, he moved application vide Exh.4 and same is allowed by this court as per order Dated 05.06.2023.

6. The said bail period on medical ground was for a period of three months. The said period is over on 05.09.2023. The applicant moved application for extension on the same day. The said application for extension is allowed by this court as per order dated 27.09.2023 for a further period of one month as on date.

7. Now the applicant is present with his advocate. Before tenure of extension of bail period, he moved this application to strike down the direction of surrender and to extend him on bail. Learned advocate of applicant relied on the observation of Hon'ble Apex Court in the case of Dr.P.Varavara Rao V/s. National Investigation Agency and Anr. in Criminal Appeal No.1206 of 2022 Dated 10.08.2022.

8. At the outset, this court has granted temporary bail to this applicant in two phases and in all total period of four months for his medical ailment. The applicant is present. Today the applicant is healthy and fit. This application is not appended with any report of medical emergency. This court has granted leniency by extension of four weeks more time for his rest post surgery. Now the medical health condition is not a ground to extend this concession granted by the court earlier.

9. Learned advocate of applicant vehemently argued on the merits of the case, delay in trial and his period of detention of

more than four years behind bar. However, the merits of the case and bail application cannot be entertained since concession to him was on health ground. Subsequent to charge, Hon'ble High Court pleased to reject his application for regular bail looking to the severity of offence. Further this applicant is kingpin of the crime of carrying explosive substance for explosion in front of the school. The accused No.2 to 4 are released on the bail.

10. The trial of this prosecution is to commenced. The prosecution has shown willingness for trial. The offence against the applicant is punishable with imprisonment for life or with imprisonment for ten years. Thus, his detention behind bar for four years cannot be termed as half of the tenure of the punishment provided. Hence, the submission on behalf of learned advocate of applicant is unacceptable. The observation cited by learned advocate of applicant has no application to the facts of present case.

11. This court by virtue of bail on medical ground below Exh.18 Dated 27.09.2023 directed this applicant to surrender before this court on today. He is present before the court, thus his surrender is to be accepted and he is required to send in judicial custody. The applicant was on temporary bail on medical ground as such, it cannot be converted into regular bail. The merits of the

case and the merits of regular bail application cannot be looked into. Thus the applicant is not entitled to regular bail by striking down the condition of surrender. I answer Point No.I in the negative. With this, I pass following order ;

**ORDER**

1.	The application vide Exh.24 for regular bail vide Section 439 of the Code of Criminal Procedure on behalf of the applicant/accused No.1-Deepak Narayan Dandekar is dismissed.
2.	The applicant/accused No.1 surrendered before this court as such, he is remanded to judicial custody till 10.11.2023.
3.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

**Place : Panvel.**

**Date : 30.10.2023**

**( K.G. Paldewar )  
Additional Sessions Judge,  
Panvel**

Arguments heard on	30 <sup>th</sup> Day of October, 2023.
Judgment/Order delivered on	30 <sup>th</sup> Day of October, 2023.
Dictated on	30 <sup>th</sup> Day of October, 2023.
Transcribed on	30 <sup>th</sup> Day of October, 2023.
Checked and signed on	30 <sup>th</sup> Day of October, 2023.

### **CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : P.S.Mhatre  
Name of the Court : Additional Sessions Court,  
Panvel  
Date of Judgment/Order : 30.10.2023.  
Judgment/Order signed on : 30.10.2023.  
Presiding Officer : K.G. Paldewar  
Judgment/Order uploaded on : 30.10.2023.