

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 331 of 2021

[Juberkhan S/o Noor Mohammad Mev ..vs.. State of Maharashtra through P.S.O. of P.S. Mangrulpir,
Tah. Mangrulpir, Distt. Washim]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. O. Ahmed, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 20-08-2021

The applicant is seeking bail in connection with Crime 174/2019 registered with Police Station, Mangrulpir, District Washim for the offences punishable under Sections 395, 380, 342, 427, 506(B) and 120(B) of the Indian Penal Code.

2. The accusation is that the applicant and the co-accused broke open the ATM of State Bank of India and stole amount of Rs. 13,30,300/- (Rupees Thirteen Lakhs Thirty Thousand Three Hundred) at 6.30 p.m. on 9-5-2018.

3. The applicant was already in custody in connection with crime registered at Nandurbar and was arrested in the instant crime on production warrant. The

prosecution is strongly opposing the bail *inter alia* on the ground of strong *prima facie* case and the fact that the applicant is a habitual offender who is resident of State of Haryana and is not likely to be available to face the trial.

4. Learned counsel for the applicant Mr. S. O. Ahmed would submit that the test identification parade is conducted belatedly, after nearly four months from the date of arrest. The applicant is identified by the witness who saw the applicant and co-accused at the scene of crime. Whether the test identification parade was delayed, in the circumstances obtaining, and the effect of delay, if any, would be looked into by the trial Court. However, considering that the applicant is allegedly a member of an inter State gang which specializes in breaking open ATMs, the fact that he is allegedly habitual offender and that he is not likely to be available for trial, I am not inclined to grant bail.

5. The application is dismissed.

JUDGE