

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 78 OF 2024

Niraj Nathuram Nishad ... Applicant.  
V/s.

The State of Maharashtra ... Respondent.

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Mr Shailesh D. Chavan, Advocate for Applicant

Ms Veera Shinde, APP for the State.

WITH

INTERIM APPLICATION NO. 625 OF 2024

Mandeshi Mahila Sahakari Bank Ltd. ... Applicant.  
V/s.

The State of Maharashtra ... Respondent.

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Mr Rajas Pingle, Advocate for Applicant

Ms Veera Shinde, APP for the State.

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CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 09, 2024.

**PC:**

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.155 of 2023, registered with Mhaswad Police Station, District: Satara for the

offences punishable under Sections 420, 468, 467, 471, 417, 379, 120-B read with Section 34 of the Indian Penal Code, Sections 65, 66C and 66D of the Information Technology Act, 2005.

3. In the present matter the offence is committed in an organized manner by the accused and thereby the accused persons withdrew more than Rupees Three Crores from the various Automated Teller Machines (ATMs) on many occasions.
4. It was the *modus operandi* of the accused, including the applicant, that while withdrawing the amount from the ATM to put a hand in the ATM so that the ATM should report an error. Then, even on receiving money because of the error reported by the Machine the bank used to re-deposit the amount in the account of the accused. All this has been captured in the CCTV footage.
5. The applicant is from Uttar Pradesh. The applicant came to Maharashtra and stayed in a Lodge with the co-accused and committed the alleged offence. The applicant was seen in the CCTV footage while withdrawing the amount and also putting his hand in the compartment where-from cash comes out from the ATM.
6. Further from the CDR it is *prima-facie* established that the applicant's location was nearby the ATMs.

7. Thus, considering the total amount defrauded by the applicant and the *modus operandi*, there is every likelihood that the applicant may commit similar offences if he is released on bail.
8. In the circumstances, as sufficient incriminating material is available on record which *prima-facie* shows the complicity of the applicant in the alleged offence and further as the huge public money is involved, I am of the view that this is not a fit case for grant of bail. Accordingly, the Criminal Bail Application is **rejected**.
9. In view of rejection of the Criminal Bail Application, the Interim Application No.625 of 2024 for intervention does not survive, hence, it is **disposed of**.

(ANIL S. KILOR, J)