



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

CRIMINAL APPLICATION (BA) NO.214 OF 2024
(Mohd. Taufik s/o Mohd. Kamruddin Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, Advocate for the applicant.
Mr. N. Autkar, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 20, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 20/01/2024 in connection with Crime No.13/2024 registered with Police Station Warud, Taluka Warud, District Amravati for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

2. The accusation against the present applicant is that on 09/01/2024 at about 1.40 a.m. 4 to 5 unknown persons have committed the theft of Rs.20,75,800/- by breaking open the ATM of State Bank of India installed at Jagrut School, Ring Road, Warud, Taluka Warud, District Amravati. As per the allegation the unknown persons have committed the offence by using gas cutter so also there was damage the cameras installed around the ATM machine. On the basis of said report, police have registered the crime. During investigation, the

involvement of the present applicant is revealed as the Car used in the said crime is owned by the present applicant.

3. Learned Counsel for the applicant submitted that merely because the car used in the said crime is of the present applicant, therefore, he was implicated in the alleged offence. He was not present at the spot, he is not concerned with the alleged offence. The amount of Rs.1,00,000/- claimed to be recovered from the present applicant however, the applicant is arrested from the home. His presence is also not noted by anybody at the spot of incident. Now, investigation is completed and charge-sheet is filed, there are no criminal antecedents against him. Considering the same, he be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the said application on the ground that during investigation, the Investigating Officer has recovered the amount of Rs.1,00,000/- and the vehicle which is used in commission of the crime is also owned by the present applicant. Present applicant is from Haryana and if he is released on bail he would not be available for trial. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. The involvement of the present applicant appears to be on the basis of the fact that the vehicle which is used in the crime is owned by the present applicant. Moreover, the amount of

Rs.1,00,000/- is also recovered from the present applicant. Admittedly, there are no criminal antecedents against the present applicant. Considering the fact that there are no criminal antecedents and now the investigation is already completed, his further incarceration is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant – Mohd. Taufik s/o Mohd. Kamruddin in connection with Crime No.13/2024 registered with Police Station Warud, Taluka Warud, District Amravati for the offence punishable under Sections 457 and 380 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. on first day of every month and the Police Station Officer, Police Station Warud, District Amravti shall record his presence.
- (iv) The applicant shall furnish his Cell phone number and address along with the

names of his two relatives and their address with address proof.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(vi) The applicant shall attend the proceedings before the trial Court regularly without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*