



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

**CRIMINAL APPLICATION (BA) NO.230 OF 2024**

Mohd. Taufik s/o Mohd. Kamruddin ..vs.. State of Maharashtra

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

Court's or Judge's Order

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Mr. P.V. Navlani, Advocate for the applicant.  
Mr. Autkar, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- MARCH 21, 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 26.01.2024 in connection with Crime No.656/2023 registered with Police Station Warud, District Amravati for the offence punishable under Sections 379, 511, 427 read with Section 34 of the Indian Penal Code.

2. The accusation against the applicant is on the basis of report lodged on an allegation that on 17.10.2023 at about 2.00 a.m. one unknown person had attempted to commit theft from the ATM machine of Indian One Payment Limited. Said ATM machine was installed at Jarud in the premises of Kusum Vinod Zarbade. It is alleged that the said unknown person while trying to commit the offence has damaged the machine and caused loss to the tune of Rs.80,000/-. On the basis of said report the Police have registered the crime against the unknown

person. During the investigation, the Investigating Officer has arrested the present applicant as he was already behind the bar in another crime.

3. Learned Counsel for the applicant submitted that in another crime the applicant was arrested merely because his vehicle was used in commission of the crime and the sum of Rs.1,00,000/- was recovered from him. As far as present crime is concerned, nothing is recovered from the present applicant. Merely on suspicion he is arrested in the present crime. Now, investigation is completed. He further submitted that in the present crime, the Investigating Officer has filed A summary Report which is not yet accepted by the Judicial Magistrate First Class. Further custody of the present applicant is not required as the A summary report is already filed by the Investigating Agency, and hence the applicant be released on bail.

4. *Per contra*, the learned Addl.Public Prosecutor strongly opposed the application by stating that though the A Summary Report is filed however the same is not accepted by the Judicial Magistrate First Class, Warud and considering the involvement of the present applicant in series of the offences, the application deserves to be rejected.

5. Having heard the learned Counsel appearing for the parties. Perused the investigation papers. It appears that initially, the applicant was arrested in another crime and

thereafter, his custody was obtained by issuing the production warrant. As far as the involvement of the present applicant in present crime is concerned, merely on suspicion, he shows as an accused. Nothing is recovered from the applicant. There is no other material to show his involvement, therefore the Investigating Agency has filed A Summary Report. Considering this aspect, 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.656/2023 registered with Police Station Warud, District Amravati for the offence punishable under Sections 379, 511, 427 read with Section 34 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 Police Station as and when required for the investigation purpose.

(iv) The applicant shall furnish the local surety as well as his Cell phone number and

address along with the names of his two relatives along with 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.

6. The application stands disposed of.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*