

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3892 OF 2024

Niraj Nathuram Nishad. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Aniket Nikam a/w. Ms. Abhilasha Pawar i/b. Mr. Amit Icham, Advocate for the Applicant.

Mr. Amit.A. Palkar, APP for Respondent/State.

Mr. Sarang Satish Aradhye, Advocate for Complainant.

Mr. Vikas Dindure, Solapur Gramin Cyber Police Station.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 9th JUNE, 2025.**

P.C. :

1. Heard Mr. Aniket Nikam, learned Advocate for the Applicant, Mr. Amit Palkar, learned APP for Respondent-State and Mr. Sarang Aradhye, learned Advocate for Complainant assisting prosecution.

2. By the present Application under Section 483 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 375 of 2023 registered with Pandharpur City Police Station, Dist. Solapur for offence punishable under Section 420, 467, 468, 471 read with 34 of the Indian Penal Code along with Sections 65 & 66 of the Information Technology Act, 2000.

3. Offence charged against the Applicant in the present crime is of withdrawing amount of the ATM Log by creating error code No. 902. The Applicant by tampering with the ATM Machines have withdrawn a total amount of Rs. 3,00,03,200/-. These incidents are captured in the CCTV.

4. Criminal Bail Application No. 432 of 2024 filed by the Applicant was dismissed on 22.07.2024.

5. Mr. Nikam, learned Advocate for Applicant submits that the Applicant is in jail since 18th July, 2023 which is a long incarceration. He further submits that the investigation is complete and charge-sheet is filed. He therefore submits that the Applicant be released on bail.

6. Mr. Palkar, learned APP submits that the Applicant has criminal antecedents and is involved in similar offences. He submits that the modus operandi of the Applicant is to tamper with ATM machines and illegally withdraw amounts. He submits that the Applicant is in jail in relation with another similar offence bearing Crime No. 155 of 2023 involving illegal withdrawals from ATMs. He submits that criminal Bail Application No. 78 of 2024 filed by the Applicant in respect of the said crime was dismissed by this Court on 9th October, 2024. He submits that the trial is proceeding and at present 4 witnesses have been examined. He submits that the trial is in progress and is likely to conclude soon. He therefore, opposes grant of bail.

7. From the nature of evidence brought on record, prima facie involvement of the Applicant in the crime is established. Applicant has criminal antecedents which include involvement of the Applicant in offences similar to Crime No. 375 of 2023.

8. In view of the above and sufficient incriminating material being available on record to prima facie show complicity of the

Applicant in the offences referred to in the Crime, moreover, involvement of huge public money, this is not a fit case for grant of bail.

9. Criminal Bail Application No. 3892 of 2024 is therefore dismissed.

[ASHWIN D.BHOBE, J.]