

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

CRIMINAL BAIL APPLICATION NO. 251 OF 2025

Jafar Hakmuddin

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Harshal Randhir a/w Mr. Sarfaraj J. Shaikh a/w Mr. Faruk H. Shaikh, Advocate for the Applicant.

Ms. P. P. Bhosale, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 09.07.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 170 of 2024 registered at Lasalgaon Police Station, Dist- Nasik for the offences punishable under Sections 305 (a), 331(4), 324(4), 3(5) of Bhartiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that on the date of incident which took place on 04.07.2024 at about 01.45 A.M., the present applicant and other co-accused have entered the SBI ATM Centre at Vinchur, Taluka & District Nashik. It is alleged that they broke open the ATM machine with the help of gas cutter and committed theft of Rs. 31,01,200/-.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that according to the prosecution on the very same day, i.e on 04.07.2024 at about 05.19 A.M., the applicant and other co-accused committed similar offence at Savalde, Taluka - Shirur, Dist - Dhule, which is 180 km from Vinchur. The learned counsel for the applicant submits that it is not possible to travel the distance of 180 km within a short period of three hours and therefore it is a clear case of false implication.

6. On the other hand, the learned APP for the Respondent/State submits that the applicant is habitual offender. It is submitted that various incriminating articles were found in possession of applicant and other co-accused when they were apprehended. It is submitted that considering the nature of crime the applicant may not be released on bail.

7. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant. Apart from it, there is no recovery of incriminating articles at the instance of the applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 170 of 2024 registered at Lasalgaon Police Station, Dist- Nasik for the offences punishable under Sections 305 (a), 331(4), 324(4), 3(5) of Bhartiya Nyaya Sanhita, 2023, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)