



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 146 OF 2026

SATBIRSING HARBANSING KALANI
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents-State : Ms. P. V. Diggikar

CORAM : SACHIN S. DESHMUKH, J.

Date : 25th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 11.09.2025 bearing Crime No. 406 of 2025 registered with Khultabad Police Station, Dist. Chhatrapati Sambhajanagar for the offences punishable under Sections 305, 331(4), 111, 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 3 of The Prevention of Damage to Public Property Act, 1984.

2. The case of the prosecution is that on 11.09.2025 at 3.03 am, the State Bank of India (SBI) ATM located opposite Hotel Kailas on the Khultabad-Verul road was targeted by unidentified individuals. The perpetrators demonstrated a sophisticated modus operandi by applying a chemical spray to block the CCTV cameras

before forcibly breaking open the machine. Despite these attempts to evade detection, masked individuals were recorded committing the theft, which resulted in the misappropriation of Rs. 16,77,100/-.

3. Following a technical investigation, the applicant and co-accused were arrested on 22.09.2025. During the subsequent probe, the police successfully recovered the ATM machine, which the accused had discarded in a well to destroy evidence. Authorities further seized Rs. 4,14,900/- in cash, a car, a motorcycle, seven mobile phones, and a cache of tools including house-breaking instruments, an air gun, and a knife.

4. The prosecution contends that the systematic nature of the theft, the use of specialized equipment, and the coordinated disposal of the machine establish that the crime was committed in an organized manner. Due to the structured execution of the offence, additional charges related to organized crime have been incorporated.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the offence, The prosecution case relies heavily on CCTV footage which, by their own admission, shows individuals with masked faces. There is no

material evidence, such as a Test Identification Parade (TIP), that definitively links the applicant to the masked figures in the footage. The investigation is complete and the charge-sheet is also filed. Nothing remains to be recovered at the instance of applicant. Hence, prayed to allow the application.

6. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. The present case is not a simple instance of theft but a meticulously planned and executed criminal enterprise. The accused deliberately sabotaged public infrastructure by using a chemical spray to blind surveillance systems, demonstrating a high degree of criminal sophistication and premeditation. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, the prosecution reliance on CCTV footage is presently tenuous at the stage of prima facie consideration. The FIR prima facie indicates

that the perpetrators faces were masked and the camera lenses were obscured by spray. In the absence of a conducted Test Identification Parade (T.I.P.), linking this applicant to the blurred imagery, the nexus between the applicant and the crime scene remains a matter of trial.

8. While the Prosecution highlights the seizure of Rs. 4,14,900/- and various instruments on 22.09.2025, the recovery was made from a group of accused persons. The investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

9. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant. The apprehension expressed by the learned APP and the learned counsel for informant about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant, Satbirsingh Harbansing Kalani, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 406 of 2025 registered with Khultabad Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 305, 331(4), 111, 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 3 of The Prevention of Damage to Public Property Act, 1984, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicant would entail the cancellation of the bail.
- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)