

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5398 OF 2024

Raju Pandurang Ambekar

VERSUS

The State Of Maharashtra

WITH

INTERIM APPLICATION (STAMP) NO. 23 OF 2026

WITH

INTERIM APPLICATION NO. 3538 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 5398 OF 2024

Raju Pandurang Ambekar

VERSUS

The State of Maharashtra

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Mr. Nikhil Pawar a/w Ms. Manasi Patil, Advocate for Applicant.
Dr. Ashvini A. Takalkar, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 29th APRIL, 2026

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 183 of 2024 dated 11.08.2024 registered with Kudal Police Station, District Sindhudurg for the offences punishable under Sections 305, 331(4), 61(1), 61(2), 111(1)(2)(ख)(3)(4) and 112(1)(2) of the *Bhartiya Nyaya Sanhita, 2023*.

2. The prosecution case is that, on 11.08.2024, at about 04:00 hours, the applicants and co-accused conspired to commit a heist at the State Bank of India ATM located near Sadhana Bazar in Kudal. Arriving in a grey-colored car, the accused gained entry into the ATM cabin and in the process utilized specialized equipment, including a gas cutter to break open the ATM machine. The accused successfully decanted and misappropriated a cash box containing currency notes totaling ₹12,65,900/-. While co-accused were apprehended at the scene, applicant managed to abscond upon sensing arrival of police. Hence, the report is lodged.

3. The learned counsel for the Applicant submits that the applicant is falsely implicated in the crime. There is no direct role attributed against the applicant. Except, accused No.1, no one has named the applicant. There is nothing recovered at the instance of the applicant. Hence, prayed to allow the application.

4. Per contra, the learned APP vehemently opposed the application, submitting that the offence is serious in nature. The applicant along with co-accused have committed 24 criminal antecedents of similar nature. The applicant is resident of another District. As such, there is a possibility of applicant fleeing away or

committing an offence of similar nature. Hence, prayed to reject the application.

5. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet *prima facie* indicates that the applicant along with co-accused in pursuance to a conspiracy broke into an ATM machine of a nationalised bank and thereby committed theft of lacs of rupees. Furthermore, there are several antecedents of similar nature against the applicant, which *prima facie* indicates that the applicant is a habitual offender. Therefore, given their history and the provisions of organized crime under Section 111 of the Bhartiya Nyaya Sanhita, 2023 are *prima facie* established. As such, criminal antecedent alone is sufficient to deny relief.

6. Despite the directions of this Court, in view of the mandate of the Hon'ble Apex Court, in the case of ***Zeba Khan vs. State of U.P and others***¹ (Criminal Appeal No.825 of 2026) as well as the Circular dated 11.03.2026 of this Court, the applicant has failed to disclose the details of the pending criminal antecedents. The same amounts to material suppression, same disentitles the applicant to claim relief.

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7. *prima facie* given the totality of the circumstances, the apprehension expressed by the learned APP that the applicant may flee away or commit an offence of similar nature appears to be well founded.

8. In view of the aforesaid observations and considering the *prima facie* overwhelming material against the applicant coupled with the fact that the applicant is resident of another state as well as the possibility of recidivism and given the potential punishment, I am not inclined to exercise discretion in favour of the applicant.

9. Resultantly, the Application stands rejected.

10. In view of disposal of Bail Application, pending interim applications, if any, also stand disposed of.

11. Professional fees of Rs. 10,000/- to be paid to learned counsel for the applicant appointed through High Court Legal Services Authority.

[SACHIN S. DESHMUKH, J.]