

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

CRIMINAL BAIL APPLICATION NO. 3788 OF 2025

Anil Ammilal Baloda
VERSUS
The State Of Maharashtra

WITH
CRIMINAL BAIL APPLICATION NO. 194 OF 2026

Waris Jafaruddin Khan
VERSUS
The State Of Maharashtra And Another

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Mr. Kedar Lad a/w Ms. Poonam Dhotre, Ms. Indrayani Patil,
Advocate for Applicants.

Mr. Nitin. B. Patil, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 25th MARCH, 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 331(4), 305, 61(1), 61(2), 111(1)(2)(ख)(3)(4), 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 utilized specialized equipment, including a gas cylinder and 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 both applicants were apprehended at the scene, Accused No. 3 and No. 4 managed to abscond upon sensing arrival of police. Hence, the report is lodged.

3. Learned Counsel for the applicants submits that the applicants are innocent and falsely implicated in the case. The applicants are arrested on 11/08/2024 and are in custody for more than one year. The offences alleged against the applicants are punishable only upto imprisonment of seven years. The trial is likely to take time. As such, further detention of the applicants is not warranted.

4. Per contra, learned APP has vehemently opposed the application emphasizing that the applicants have several cases pending against them. Particularly, applicant Waris Khan is

convicted and sentenced. The said offences are registered at various districts of Maharashtra as well as the other states. The learned APP further expressed an apprehension regarding residivism and given that they are the residents of state Rajasthan, there is the possibility of applicants fleeing away and evading trial.

5. Having heard the submissions from both the sides and upon perusal of the record, prima facie indicates that the applicants are apprehended in relation to a criminal conspiracy of having committed a heist of breaking into an ATM machine and deriving cash amounting to Rs. 12,65,900/- thereof.

6. Pursuant to the order of this Court, the applicants have disclosed criminal antecedents against them. Perusal of the same indicates that applicant Anil has around 5 offences registered at various districts of Maharashtra against him. While the applicant Waris has around 10 offences pending against him registered at various districts of Maharashtra and other states. Admittedly, the applicant Waris is also convicted in the State of Rajasthan. The said offences are of similar nature to that of the present case. As such, prima facie, there is possibility of recidivism.

7. Further perusal of the aforesaid record indicates that in

several of the offences, the applicants are co-accused and prima facie appears to have acted in consonance. Furthermore, the applicants are residents of the same state. Therefore, given their history and relation together, the provisions of organized crime under Section 111 of the Bhartiya Nyaya Sanhita, 2023 are prima facie established.

8. In view of the aforesaid observations and considering the overwhelming material against the applicants coupled with the fact that the applicants are residents of another state as well as the possibility of recidivism and given the potential punishment, I am not persuaded to exercise discretion in favour of the applicants.

9. Resultantly, applications stand rejected.

[SACHIN S. DESHMUKH, J.]