

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 229/2026
 (Khurshid Ahmad Nisar Ahmad Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. M.N. Ali, Advocate for applicant.
 Mr. A. A. Madiwale, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 10/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.667/2025 registered with Police Station Jaripatka, Dist. Nagpur for an offence punishable under Sections 305 and 331(4) of Bharatiya Nyaya Sanhita.

3. The case of the prosecution in brief is that on 04.09.2025 at about 9.30 a.m., the informant, Branch Manager of State Bank of India, Jaripatka Branch, Nagpur, received information from the ATM Channel Supervisor regarding breaking in and theft of cash from the SBI ATM situated at Patankar Chowk, Nagpur. Upon visiting the spot, it was noticed that the ATM machine had been forcibly opened with the help of a gas cutter and cash

amounting to Rs.8,12,400/- was stolen. CCTV footage allegedly showed three unknown persons entering the ATM booth after spraying chemicals on the cameras and fleeing in a white car, on the basis of this information, the First Information Report was registered.

4. The learned counsel for the applicant submits that the applicant was arrested only on the basis of suspicion as the applicant is involved in near about 25 crimes of theft. The learned counsel for the applicant submits that so far as the present crime is concerned, absolutely there is no evidence in the entire charge sheet to connect the present applicant. He submits that there is no CCTV footage collected by the Investigating Officer from the ATM. The allegations are that the applicant has committed the act by cutting the ATM machine with the help of gas cutter and has taken out the amount of Rs.8,12,400/-. He submits that to support this allegation, absolutely there is no material, therefore merely on the basis of the criminal history of similar kind of offences, the applicant was implicated in the crime, therefore he prayed to release the applicant on bail.

5. On the other hand, the learned APP submits that the name of the applicant surfaces on record on the basis of call detail records (“CDR”) which are made to one of the co-accused on whose number the fast tag is linked and the amount was deducted at toll plaza. The learned APP further submits that there is recovery of Rs. 17,400/- from the applicant. He submits that the offence is serious and considering 25 similar type of offences, the applicant can not be released on bail.

6. I have considered the rival submissions and gone through the charge sheet. It appears that the applicant is a habitual criminal and near about 25 offences of theft are registered against him. It further appears that so far as the present crime is concerned, the applicant was arrested on the basis of the CDR report, which shows that the applicant has called one of the co-accused, from whose number the amount from the fast tag was deducted at the toll plaza and however, even to substantiate this, there is nothing on record. It further appears that the recovery of Rs.17,400/- is made from the applicant. However, the currency notes which are stolen from the ATM do not match with the

currency notes which are recovered from the applicant. The applicant is behind bars since 06.09.2025. The investigation is complete and charge sheet is filed. Considering this fact that, there is no sufficient material to connect the present applicant, I am inclined to grant bail, hence the following:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Khurshid Ahmad Nisar Ahmad be released on bail in connection with Crime No.667/2025 registered with Police Station Jaripatka, Dist. Nagpur for an offence punishable under Sections 305 and 331(4) of Bharatiya Nyaya Sanhita on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane