

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

ANTICIPATORY BAIL APPLICATION NO. 3062 OF 2024

Kunal Santosh Lokhande	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Somnath R. Thengal for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 19th NOVEMBER 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0827 of 2024 dated 22nd August 2024 registered at Shahupuri Police Station, Dist. Kolhapur, for offences under Section 303(2) the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR was registered against unknown person on the allegation of the informant that cash amount of Rs.18 lakhs was stolen from his car. There are total 7 accused persons.

4. Although, the application is opposed by the learned APP, even the order of the Sessions Court shows that the allegation against the applicant appears to be that one of the arrested co-

accused persons, being the brother of the applicant, had handed over the stolen money to him.

5. A perusal of Section 303(2) of the BNS shows that it pertains to punishment for theft and it prescribes punishment of imprisonment, which may extend to 3 years.

6. Considering the nature of allegation levelled against the applicant and the fact that the FIR in the first place was registered against unknown person, this Court is inclined to allow the application, subject to the applicant cooperating with the investigation.

7. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0827 of 2024 dated 22nd August 2024 registered at Shahupuri Police Station, Dist. Kolhapur, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 25th and 26th November 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence

of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

9. The application is disposed of.

MANISH PITALE, J.