

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2820 OF 2025

Kishor Harkchand Sundecha	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Pranav Pokale a/w. Mr. Chinmay Sawant and Mr. Aditya Bagul,
for the Applicant.
Mr. S. A. Karmakar, APP, for the Respondent-State.
Ms. Chaitrali Bhise, PSI, attached to Bhosari Police Station, Pimpri-
Chinchwad, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th OCTOBER 2025

PC:-

1. Heard Mr. Pokale, learned Counsel appearing for the Applicant and Mr. Karmakar, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.666 of 2024 registered with Bhosari MIDC Police Station, Pune, for the offences punishable under Sections

275, 272, 271, 223 and 123 of the Bharatiya Nyaya Sanhita, 2023 (“BNS”)

3. As per the prosecution case, certain police personnel who were on patrolling duty received information about sale of contraband article at Om Sai Panshop, Vishweshwar Chowk, MIDC Bhosari, Pune and they called panchas and found that co-accused- Omsai Kalidas Biradar was in possession of Bajirao Gold Masala, Samrat Pan Masala, Vimal Pan Masala and RMD Pan Masala total worth Rs.16,962/-. They seized the said contraband articles. During investigation it transpired that the Applicant has supplied the said contraband article to the co-accused.

4. It is the submission of Mr. Pokale, learned Counsel appearing for the Applicant that all the offences are bailable, except offence under Section 123 of the BNS. He submits that the issue whether Section 123 of the BNS will apply to such type of the cases, is pending in the Supreme Court. He therefore, submits that the Applicant is entitled for pre-arrest bail.

5. On the other hand, Mr. Karmakar, learned APP strongly opposes the Anticipatory Bail Application. He submits that there are four antecedents against the Applicant and therefore, the Anticipatory Bail Application be rejected.

6. As far as the antecedents are concerned, learned Counsel appearing for the Applicant states that details of the said antecedents are vaguely mentioned in the Anticipatory Bail Application.

7. Although there are four antecedents, as far as the present case is concerned, all offences are bailable offences, except offence under Section 123 of the BNS and the Supreme Court is considering whether Section 123 of the BNS will apply to the similar cases. Therefore, although case is made out for grant of pre-arrest bail, as the Applicant is involved in similar four antecedents, the stringent conditions are required to be imposed. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant-Kishor Harkchand Sundecha in connection with C.R. No.666

of 2024 registered with the Bhosari MIDC Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.2,00,000/- with one or two solvent sureties in the like amount.

- (b)** The Applicant shall attend the concerned Police Station on every Sunday between 11:00 a.m. to 01:00 p.m. till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (c)** The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d)** The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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