



Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 03 OF 2026**

Khalid Ahamad Kunchur ... Applicant
Versus

The State of Goa, (As Rep By Officer in ...Respondent
Charge/Police Inspector Valpoi Police
Station)

Mr. James Lopes, Advocate *for the Applicant.*

Mr. Somnath Karpe, Additional Public Prosecutor *for the
Respondent-State.*

CORAM : DR. NEELA GOKHALE, J.

DATE : 4th March, 2026

P.C.

1. This is an application seeking anticipatory bail in connection with FIR No. 02 of 2026 of Valpoi Police Station, North Goa, for offences punishable under Sections 303(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS 2023). Thereafter Section 3(5) of BNS 2023 was deleted and Section 61(2) of the BNSS was added.

2. The case of the prosecution is as follows :

The Complainant is a Deputy Chief Security Officer of the Vedanta Limited Company, at Dhabdhaba, Bicholim, Goa. According to the Complainant, on 06.01.2026, at 18.00 hours, he received

information from the Valpoi Police Station that while patrolling, they noticed three male persons engaged in cutting iron pipes using a gas cutter and other materials and also noticed a pick-up truck which is parked in the area wherein cutting of iron pipe was in progress. The Police also informed the Complainant that they caught one person red handed while committing theft of the iron pipe at the Vedanta Mine Property but the other two persons fled and the person who was apprehended was Mr. Ibrahimsaheb Gausaab Guttal, of Pimplocotto, Quepem, Goa. Upon further interrogation, the present Applicant was implicated in the said offence and the FIR was registered.

3. The Applicant made an application seeking anticipatory bail in the Court of the Additional Sessions Judge-I, North Goa, Mapusa. However, by Order dated 17.02.2026, his anticipatory bail was rejected. Hence, he is before this Court for the reliefs as prayed.

4. Mr. Lopes, learned Counsel appearing for the Applicant, states that the co-accused who were caught from the spot and arrested, have been enlarged on regular bail; the co-accused whose name was revealed by one of the arrested accused has also been protected by an Order of this Court passing his anticipatory bail application; that the Applicant is ready and willing to join investigation and that the role of the present Applicant is limited to having supplied the material used

for cutting the pipes and taking the said pipes away. The said material has already been attached. The Applicant is also accused of receiving some amount from the sale proceeds of the stolen materials. He thus, submits that there is no requirement of custodial interrogation as he is ready and willing to join the investigation.

5. Mr. Karpe, learned Additional Public Prosecutor appearing for the Respondent-State, on the other hand, submits that the Applicant is the principal accused; he is the one who encouraged and provided the material to commit the offence of taking away the pipes from the spot and he has also received the money from the sale proceeds; the Applicant has kept out of the way and not joined the investigation. At this juncture, Mr. Lopes interjects and says that the Applicant has never received any notice from the Police to join the investigation till date. In any case, Mr. Karpe submits that there is requirement of his custodial interrogation and that the application be rejected.

6. I have heard the learned Counsel appearing for the respective parties and perused the records with their assistance.

7. Admittedly, the co-accused who were arrested at the spot are enlarged on regular bail. The other co-accused whose name was revealed by one of the arrested accused is also protected by an Order of anticipatory bail passed by this Court. The present Applicant is ready

and willing to join interrogation. The material allegedly supplied by him for committing the said offence is already attached. In view of the aforesaid, custodial interrogation of the Applicant is hence not required. Hence, I pass the following Order:

ORDER

(a) In the event of arrest of the Applicant, Khalid Ahamad Kunchur, in connection with C.R. No. 02 of 2026 registered with the Valpoi Police Station, Goa, he is directed to be released on bail, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on 9th March 2026 between 10.00 a.m. and 2.00 p.m. on every alternate day for atleast one week and thereafter as and when required by the Investigating Officer till filing of the charge sheet and he shall cooperate with the investigation.

(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 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.

(g) In case, the Applicant violates the terms and conditions of bail, including the undertaking, it would be open to the prosecution to seek cancellation of bail.

8. The Anticipatory Bail Application is disposed of accordingly.

DR. NEELA GOKHALE, J