

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2335 OF 2025

Sujit Rajkumar Khivanasara Applicant

Versus

The State of Maharashtra Respondents

Mr. Ranjeet H. Patil a/w Mr. Prashant Wagare, Advocate for the Applicant.

Mr. S. H. Yadav, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th SEPTEMBER, 2025.

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P.C. :

1. By this application, the Applicant is apprehending arrest in C.R. No. 35 of 2025 registered with Kamati Police Station, Solapur, for the offence punishable under Sections 123, 274, 275, 223 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”) and Sections 26(2)(iv), 26(2)(i), 26(2)(ii), 27(3)(e), 30(2)(a) and Section 59 of the Food Safety and Standards Act, 2006.

2. It is prosecution’s case that on the basis of secret information, Police intercepted one vehicle and in the said vehicle, Police have found Gutka. It is alleged that the said Gutka was purchased by the Accused No.1 from the present Applicant.

3. It is contention of learned counsel for the Applicant that the Applicant's name is involved in this crime on the statement of the co-accused. Considering allegations against the Applicant, his custodial interrogation is not required, and requested to allow the application.

4. It is contention of learned APP that Applicant has 7 antecedents of same nature. Considering allegations against the Applicant, his custodial interrogation is required, and requested to reject the application.

5. I have heard both learned counsel, perused the F.I.R. and documents produced on record.

6. The name of the Applicant is mentioned in the F.I.R. on the statement of the co-accused. Learned counsel for the Applicant undertakes that Applicant shall file undertaking before the Investigating Officer that he will not indulge in such types of crime. Considering these facts, I pass the following order:

ORDER

- i. The application is allowed.
- ii. In the event of arrest, the Applicant be enlarged on bail in connection with C.R. No. 35 of 2025 registered with Kamati Police Station, Solapur, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or tow

sureties in the like amount.

- iii. The Applicant shall file undertaking that he shall not be involved in such types of crime and if any offence registered against him under above Sections would be a ground to cancel the bail.
- iv. The Applicant shall mark his attendance to the concerned police station as and when required.
- v. The trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)