

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

ANTICIPATORY BAIL APPLICATION NO. 2448 OF 2025

Irshad Bashir Gavane ...Applicant
Versus
The State of Maharashtra ...Respondent

.....

Mr. Sumit Vhanbatte i/by Mr. Aditya Raktade, Addvocate for Applicant.

Mr. S. S. Chaudhary, APP for the respondent-State.

.....

CORAM : SHIVKUMAR DIGE, J.
DATE : 5th DECEMBER 2025

P.C.

1. The Applicant is apprehending arrest in Crime No.163 of 2025 registered with Deogad Police Station, Dist. Sindhudurg for the offences punishable under Sections 123, 274, 275 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 59 of the Food Safety and Standards Act, 2006.

2. It is prosecution's case that on secret information, police raided Lavash General Stores belonging to co-accused. In the search of said shop, police found Gutkha. It is alleged that the said Gutkha was provided by the applicant.

3. It is contention of learned counsel for applicant that the Gutkha is seized. The co-accused was arrested and released on bail. Hence, custodial interrogation of the applicant is not required. While on bail, the applicant has co-operated with the investigation and requested to allow the application.

4. It is contention of learned APP that there were more than 700 call records between the applicant and co-accused, which shows the applicant's involvement in the crime. It is necessary to seek the source of Gutkha and applicant's custodial interrogation is required. The co-accused had transferred Rs.2,00,000/- to the account of the applicant. Hence, requested to reject the application.

5. I have heard both the learned counsels, perused the FIR and documents placed on record. The allegations against the applicant is of selling Gutkha to the co-accused, which is seized by the Police from the shop of the co-accused. As Gutkha is seized, co-accused was arrested and released on bail. Considering these facts, custodial interrogation of the applicant is not required. Hence, I pass the following order.

ORDER

(i) Application is allowed;

- (ii) Interim relief granted by this court dated 17.11.2025 is made absolute.
- (iii) In the event of arrest, the applicant be enlarged on bail in Crime No.163 of 2025 registered with Deogad Police Station, Dist. Sindhudurg on executing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (iv) The applicant shall attend the concerned police station as and when required.

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

7. It is made clear that the above observations are made only for the purpose of granting anticipatory bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)