

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

**ANTICIPATORY BAIL APPLICATION NO. 183 OF 2025**

|                               |               |
|-------------------------------|---------------|
| Namdeo @ Anna Jagannath Ghule | ...Applicant  |
| Versus                        |               |
| The State of Maharashtra      | ...Respondent |

....

Mr. Rupesh Zade, Advocate for the Applicant.

Mrs. Veera Shinde, A.P.P. for the Respondent – State.

Mr. Amit Patil (IO), Bhigwan Police Station, present.

....

|              |          |                                       |
|--------------|----------|---------------------------------------|
| <b>CORAM</b> | <b>:</b> | <b>N. R. BORKAR, J.</b>               |
| <b>DATE</b>  | <b>:</b> | <b>22<sup>nd</sup> JANUARY, 2025.</b> |

**P.C.:**

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.363 of 2024 registered at Bhigwan Police Station, Taluka Indapur, Dist. Pune for the offences punishable under sections 123, 223, 271, 275 of Bharatiya Nyaya Sanhita, 2023 and Sections 26(2)(i), 26(2)(iv), 27(3)(e), and 59(iii) of Food Safety and Standard Act, 2006.
3. On 30.10.2024, the co-accused Bhausahab Kisan Sakunde was apprehended and he was found in possession of

Tobacco Product (Gutkha) worth Rs. 97,240. During interrogation of the said co-accused, the said tobacco products were found to be purchased by him from the applicant.

4. The learned counsel for the applicant submits that whether Section 328 of the Indian Penal Code (123 of Bharatiya Nyaya Sanhita) would apply in such situation or not is pending before the Hon'ble Supreme Court. It is submitted that the other crimes are bailable. It is submitted that in similar crime the Hon'ble Supreme Court has granted anticipatory bail to the accused therein. In support of the submission, the learned counsel for the applicant has produced on record the copy of the order passed by the Hon'ble Supreme Court dated 20<sup>th</sup> September 2023 in SLP Criminal Diary No.2806 of 2023.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in two more crimes of similar nature and if he is released on anticipatory bail, then he would not hesitate to commit the similar crime again. It is further submitted that the custodial interrogation of the applicant is necessary to unearth the

source of illegal activities in which the applicant is involved.

6. The learned counsel for the applicant has not disputed the fact that the applicant is involved in two more crimes of the similar nature. In such situation if the applicant is granted anticipatory bail, he would not hesitate to commit another crime.

7. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. Therefore, the application is rejected.

**(N. R. BORKAR, J.)**