

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3193 OF 2025

Chetan Dattatray Khandekar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Sachinkumar Rajepandhare, for the Applicant.
Ms. R.V. Newton, APP, for the Respondent-State.
Ms. Archana Patil, PSI, attached to Saswad Police Station, District
Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 20th NOVEMBER 2025

PC:-

1. Heard Mr. Rajepandhare, learned Counsel appearing for the Applicant and Ms. Newton, learned APP appearing for the Respondent-State.

2. This application is filed by the Applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) seeking pre-arrest bail in connection with C.R. No. 239 of 2025 registered on 09th June 2025 with Saswad Police Station, District Pune for the offences punishable under Sections 123, 223, 274, 275 and 3(5), of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”) and for the offences

punishable under Sections 26(2), 26(4), 26(2)(i), 30(2)(a), 27(3)(d), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006 (“FSSAI”).

3. As per the prosecution case, the Applicant is found dealing with prohibited Gutkha, Pan Masala and Flavored Tobacco and selling the same illegally.

4. Mr. Rajepandhare, learned Counsel appearing for the Applicant submitted that except offence under Section 123 of the BNS, all other offences are bailable offences. He submits that as far as Section 123 of the BNS is concerned, the Supreme Court is considering the applicability of Section 123 (i.e. Section 328 of the IPC) to the similar cases. He submits that although there are 10 antecedents, in 2 cases the Applicant has been acquitted in one case he is not Accused and in most of the cases he has been granted Regular Bail. He therefore submits that the Anticipatory Bail Application be granted.

5. On the other hand, Ms. Newton, learned APP strongly opposes the Anticipatory Bail Application. She submits that the

offence is very serious and therefore, the Anticipatory Bail Application be rejected. She submits that there are 10 Antecedents and therefore, the Anticipatory Bail Application be rejected.

6. Ms. Newton, learned APP submits that if this Court is inclined to grant Anticipatory Bail then the Applicant be directed to give undertaking in terms of order of the Supreme Court in the case of *Abhijit Jitendra Lolage vs State of Maharashtra*¹ and more particularly relies on following condition imposed by the Supreme Court in case of similar offences :-

*“It is deemed appropriate to impose the condition – “I, Abhijeet Jitendra Lolage do undertake to **not deal with Gutkha, that is, Pan Masala with Tobacco**”. In case, the appellant – Abhijeet Jitendra Lolage **violates the terms and conditions of bail, including the undertaking imposed, it would be open to the prosecution to seek cancellation of bail**”.*

(Emphasis added)

7. Mr. Rajepandhare, learned Counsel appearing for the Applicant after taking the instructions submits that the Applicant will give the undertaking.

1 SLP (CrI.) Diary No.2806/2023

8. The Supreme Court in the said order has imposed the above condition in case of similar offence.

9. Perusal of the record shows that except the offence under Section 123 of the BNS the other offences are bailable offences. The issue whether Section 123 of the BNS will apply to similar cases is pending before the Supreme Court. As the Applicant is ready to give the undertaking that he will not deal with Gutkha and Tobacco products in any manner whatsoever, the case is made out for grant of Anticipatory Bail, however, as there are 10 Antecedents the stringent conditions are required to be imposed.

10. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant- Chetan Dattatray Khandekar in connection with C.R. No.239 of 2025 registered with Saswad Police Station, District Pune the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station once in a week i.e. on each Sunday between 11:00 a.m. to 01:00 p.m. till completion of trial.
- (c) The Applicant to furnish an undertaking that he will not deal with banned products i.e. Gutkha, Pan Masala with Tobacco products in any manner whatsoever. Such undertaking is to be filed in this Court within a period of two weeks from today. The Applicant to strictly comply with the said undertaking.
- (d) 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.
- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the

Complainant or any witness in any manner.

- (g) The Applicant shall not leave India without prior permission of the Court.
- (h) 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.

11. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]