IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 583 OF 2026

Suraj Milansingh Rajput ...Applicant

Versus.

The State of Maharashtra And Anr. ...Respondents

Mr. Sachin Bhavar, Advocate for the Applicant.

Mr. C. D. Mali, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st October, 2026.

P.C. :

ARJUN KRISHNA RODGE
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1. Heard, Mr. Sachin Bhavar, learned Advocate for the Applicant and Mr C. D. Mali, learned APP for the Respondent – State.

2. By this Application, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks pre-arrest bail, apprehending arrest in connection with Crime No. 379 of 2026 registered with Pandharpur City Police Station, for offences punishable under Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a), 59 of the Food Safety and Standards Act, 2006 and Sections 223, 274, 275 and 123 of the Bharatiya Nyaya Sanhita, 2023.

3. Mr. Sachin Bhavar, learned Advocate for the Applicant, states

that there are three (3) accused in Crime No. 379 of 2026, with the Applicant as Accused No. 2.

4. Mr. Sachin Bhavar, learned Advocate for the Applicant, submits that the main offence alleged against the Applicant in Crime No. 379 of 2026 is under Section 123 of the Bharatiya Nyaya Sanhita, 2023, which deals with causing hurt by means of poison, etc., with intent to commit an offence. He submits that the Applicant is alleged to be the seller of Gutkha worth Rs. 2,000/-, a banned item in the State of Maharashtra. He relies on the decisions in the case of *Rashid Rukmuddin and Another Vs. The State of Maharashtra*[1], *Tushar B. Bhamare Vs. The State of Maharashtra*[2], *Ahefaz Iqbal Memon alias Menon Vs. The State of Maharashtra*[3], *Dipak Maharajsing Yadav Vs. The State of Maharashtra*[4] and *Karan Ramabhai @ Karamshibhai Hamabhai Jograna and Another Vs. The State of Maharashtra*[5], wherein the accused charged under Section 123 of the BNS were released on bail.

5. Mr. C. D. Mali, learned APP for the Respondent – State, submits

1 Criminal Bail Application No. 403 of 2023 decided on 6th February, 2023.

2 Criminal Bail Application No. 579 of 2025 decided on 26th February, 2025.

3 Criminal Bail Application No. 1463 of 2022 decided on 16th January, 2023.

4 Criminal Bail Application No. 45 of 2024 decided on 1st February, 2024.

5 Criminal Bail Application No. 273 of 2024 decided on 8th March, 2024.

that the Applicant has similar antecedents on his credit.

6. The question of whether an offence under Section 123 of the BNS can be registered in such cases is pending before the Hon'ble Supreme Court in *Anand Ramdhani Chaurasia vs. State of Maharashtra*[6] and other connected matters. Given the pendency of the question before the Hon'ble Supreme Court, this Court has granted Anticipatory Bail as well as Regular Bail to the Accused charged under Section 123 of the BNS.

7. Perusal of Crime No. 379 of 2026 indicates that although Gutkha worth Rs 2,000/- was recovered, it was recovered from the Accused No. 1 (Imran Shohkat Tamboli) and not from the Applicant.

8. In view of the aforesaid circumstances, this Application is allowed on the following terms :

(a) In the event of arrest of the Applicant in Crime No. 379 of 2026, registered with Pandharpur Taluka Police Station, the Applicant shall be released on bail upon furnishing a PR bond of Rs. 50,000/- with one or two sureties in the like amount, to the satisfaction of the Investigating Officer of Pandharpur Taluka Police

6 2019 SCC OnLine Bom 1857.

Station.

(b) Applicant shall appear and report to the Investigating Officer, Pandharpur Taluka Police Station on 5th, 6th and 7th October, 2026, between 10:00 a.m. to 12:00 noon and thereafter as and when required by the Investigating Officer in Crime No. 379 of 2026. The Applicant shall cooperate with the investigation in Crime No. 379 of 2026.

(c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

(d) Applicant shall not tamper with evidence in any manner.

(e) Applicant shall provide to the Investigating Officer, with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this

information from time to time.

(f) Applicant shall not indulge in similar offences punishable under the NDPS Act.

9. Anticipatory Bail Application No.583 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)