IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 605 OF 2026

Parameshwar Bhimraya Balaganv ……Applicant

VERSUS

The State Of Maharashtra And Anr. ……Respondents

Mr. Hrishikesh S. Shinde a/w Mr. Vivek Shere, for Applicant.
Ms. Shubhangi N. Deshmukh, A.P.P., for Respondent Nos.1 and 2 – State.
PSI, Mr. S. B. Kashid, Mandrup Police Station, Solapur Rural, present.

SHANTANU SHANKARSA DHUDUM
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Date: 2026.10.12 20:02:10 +0530

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th OCTOBER, 2026.

P.C.

1. Heard, Mr. Hrishikesh S. Shinde, learned Advocate for the Applicant and Ms. Shubhangi N. Deshmukh, learned A.P.P., for Respondent Nos.1 and 2 – State.

2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”), the Applicant seeks pre-arrest bail, apprehending arrest in connection with Crime No. 369 of 2026 registered at Mandrup Police Station, Solapur Rural, for the offences punishable under Sections 123, 275, 274, 223 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”) and Sections 26(2)(i),

26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) read with Section 59 of the Food Safety and Standards Act, 2006.

3. Mr. Hrishikesh S. Shinde, learned Advocate for the Applicant, submits that there are two accused in Crime No. 369 of 2026 and that the Applicant is Accused No. 2.

4. The main offence in the F.I.R. is under Section 123 of the BNS, which deals with causing hurt by means of poison, etc., with the intent to commit an offence.

5. Mr. Hrishikesh S. Shinde, learned Advocate for the Applicant, submits that the allegation against the Applicant in Crime No. 369 of 2026 is that he is a supplier of gutkha, which is banned in the State of Maharashtra. He submits that the Applicant has no criminal antecedents. He further submits that, apart from the offence under Section 123 of the BNS, all the other offences registered in Crime No. 369 of 2026 are bailable.

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 the case of *Anand Ramdhani Chaurasia Vs. State of Maharashtra*[1] and other connected matters. Considering the pendency of the question before the Hon'ble Supreme Court, this Court has granted Anticipatory Bail

1 2019 SCC OnLine Bom 1857

as well as Regular Bail to the Accused charged with the offence under Section 123 of the BNS.

7. Mr. Hrishikesh S. Shinde, learned Advocate for the Applicant, states that Accused No.1 (Narayan Arjun Hugar) in the F.I.R. has been released on bail by this Court in Bail Application No.930 of 2026 on 8th October, 2026. He submits that the allegations against the Applicant are similar to the allegations against the Accused No.1 (Narayan Arjun Hugar) in the F.I.R.

8. Mr. Hrishikesh S. Shinde, learned Advocate for the Applicant, relies on the decisions in the case of *Rashid Rukmuddin and Another Vs. The state of Maharashtra*[2], *Tushar B. Bhamare Vs. The State of Maharashtra*[3], *Ahefaz Iqbal Memon alias Menon Vs. The State of Maharashtra*[4], *Dipak Maharajsing Yadav Vs. The State of Maharashtra*[5] and *Karan Ramabhai @ Karamshibhai Hamabhai Jograna and Another Vs. The State of Maharashtra*[6], where in Accused charged with the offence under Section 123 of the BNS were released on Bail.

9. Ms. Shubhangi N. Deshmukh, learned A.P.P., for Respondent Nos.1 and 2 – State, does not dispute that the issue regarding the

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2 Criminal Bail Application No.403 of 2023 decided on 6th March 2023.

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

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

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

6 Criminal Bail Application No.273 of 2024 decided on 8th March 2023.

applicability of Section 123 of the BNS is pending for consideration before the Hon'ble Supreme Court.

10. In view of the same, the present Application is allowed on the following terms and conditions:

ORDER

A) In the event of arrest of the Applicant - Parameshwar Bhimraya Balaganv, in connection with Crime No. 369 of 2026 registered at Mandrup Police Station, Solapur Rural, for the offences punishable under Sections 123, 275, 274, 223 of the BNS and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) read with Section 59 of the Food Safety and Standards Act, 2006, the Applicant shall be released on bail on furnishing a P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only), with one or two local sureties in the like amount, to the satisfaction of the Investigating Officer, Mandrup Police Station, Solapur Rural.

B) The Applicant shall report to the Investigating Officer, Mandrup Police Station, Solapur Rural, on 15th, 16th, 17th and 19th October, 2026 from 11:00 a.m. to 12:00 noon,

and thereafter as and when required by the Investigating Officer. The Applicant shall cooperate with the Investigating Officer in the investigation of Crime No.369 of 2026.

C) 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 person from disclosing such facts to the Court or to any police officer.

D) The Applicant shall not tamper with the evidence, in any manner.

E) The Applicant shall provide the Investigating Officer with his residential address along with proof, his contact number and must inform the Investigating Officer of any change to this information from time to time.

F) The Applicant shall not indulge in or involve himself in any similar offence

11. Criminal Anticipatory Bail Application No.605 of 2026 is disposed of accordingly.

(ASHWIN D. BHOBE, J.)