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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.616 OF 2026

Mohsin Shahabuddin Mulani ....Applicant
VERSUS
The State Of Maharashtra and Anr. ....Respondents

Mr. Ramsing M. Rajput a/w Adv. Siya P. Rajput, for Applicant.
Ms. Shubhangi N. Deshmukh, A.P.P., for Respondent Nos.1 and 2 - State.
Officer: Mr. J. J. Kanase, Borgaon Police Station, District Satara, present.

SHANTANU SHANKARSA DHUDUM
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Date: 2026.10.17 13:54:05 +0530

CORAM : ASHWIN D. BHOBE, J.
DATE : 16th OCTOBER, 2026.

P.C.

1. Mr. Ramsing M. Rajput, learned Advocate for the Applicant, and Ms. Shubhangi N. Deshmukh, learned A.P.P. for Respondent Nos. 1 and 2 – State.

2. By this 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. 234 of 2026, registered at Borgaon Police Station, District Satara, dated 3rd August, 2026, for offences punishable under Sections 123, 223, 274, 275 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”), along with

Sections 26(2)(i)(iv), 27(3)(e), 3(1)(zz)(iv), 30(2)(a), 59 of the Food Safety and Standards Act, 2006.

3. Mr. Ramsing M. Rajput, learned Advocate for the Applicant, submits that there are four (4) accused in the present case. The Applicant is Accused No.2.

4. Mr. Ramsing M. Rajput, learned Advocate for the Applicant, submits that the allegation against the Applicant (Accused No.2) in Crime No.234 of 2026 are that the Applicant is supplier of the prohibited articles (Panmasala and Gutkha). He submits that apart from the said allegation, there are no other allegations against the Applicant. He submits that the Applicant does not have criminal antecedents.

5. Ms. Shubhangi N. Deshmukh, learned A.P.P. for Respondent Nos. 1 and 2 – State, submits that the custodial interrogation of the Applicant is required to obtain details of the transactions and further for the purpose of investigation into the crime pertaining to prohibited article (Panmasala and Gutkha).

6. There is no dispute that the main offence in the present crime is under Section 123 of the BNS 2023 (old Section 328 of the IPC). The question as to whether an offence under Section 123 of the BNS 2023 (Section 328 of the IPC) 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]

7. Considering the pendency of the said question before the Hon'ble Supreme Court, this Court has granted Anticipatory Bail as well as Regular Bail to the accused charged with the offence under Section 123 of the BNS. Useful reference can be made to the orders of this Court 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 Maharajsingh yadav Vs. The State of Maharashtra[5] and Karan Ramabhai @ Karamshibhai Hamabhai Jograna and Another Vs. The State of Maharashtra[6].

8. Mr. Ramsing M. Rajput, learned Advocate for the Applicant, on instructions from the Applicant, states that the Applicant shall appear before the Investigating Officer as and when required by the Investigating Officer and shall co-operate with the investigation in Crime No.89 of 2026.

9. In view of the above and considering the allegations against the Applicant, custodial interrogation of the Applicant in Crime No.89 of 2026 is not necessary.

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1 2019 SCC Online Bom 1857

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.

10. This Application is allowed on the following conditions:

ORDER

A) In the event of arrest of the Applicant - Rajan Shantaram Parkar, in connection with Crime No. 234 of 2026, registered at Borgaon Police Station, District Satara, dated 3rd August, 2026, for offences punishable under Sections 123, 223, 274, 275 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), along with Sections 26(2)(i)(iv), 27(3)(e), 3(1)(zz)(iv), 30(2)(a), 59 of the Food Safety and Standards Act, 2006, the Applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties in the like amount to the satisfaction of the Investigating Officer, Borgaon Police Station, District Satara.

B) The Applicant shall appear and report to the Investigating Officer at Borgaon Police Station, District Satara, on 19th, 20th and 22nd October, 2026 from 10:00 a.m. to 12:00 noon, and thereafter as and when required by the Investigating Officer. The Applicant shall cooperate with the investigation.

C) The Applicant shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case to dissuade such person from disclosing the facts to the Court or 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, email and must inform the Investigating Officer of any changes to this information from time to time.

F) The Applicant shall not indulge in similar offences.

11. Anticipatory Bail Application No.616 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)