IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2014 OF 2026

Padmakar Narhari Tandulkar …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Shubham Kadam a/w Yash Kamble & Harshvardhan Patil, for the Applicant.
Mr. S. S. Ghag, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 15 OCTOBER 2026

PC:-

1. Heard Mr. Kadam, learned Counsel appearing for the Applicant and Mr. Ghag, learned APP for the Respondent-State of Maharashtra.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the Applicant is seeking pre-arrest bail in connection with C.R. No.337 of 2026 registered with Indapur Police Station, Pune Rural, for the offences punishable under Sections 123, 223, 274 and 275 of the *Bharatiya Nyaya Sanhita, 2023* ("**BNS**") and Sections 26(2)(i), 26(2)(iv), 27(3)(e) and 30(2)(a) of the *Food Safety and Standards Act, 2006*.

3. It is the main contention raised by Mr. Kadam, learned Counsel appearing for the Applicant, that except the offence under Section 123 of BNS, all other offences are bailable offences. He submits that as far as Section 123 of BNS is concerned, the Supreme Court is considering the applicability of Section 123 of BNS (i.e. Section 328 of the *Indian Penal Code, 1860*) to the similar cases. He, therefore, states that the Applicant be granted anticipatory bail.

4. On the other hand, Mr. Ghag, learned APP, for the Respondent-State, strongly opposes the Anticipatory Bail Application. He submits that the offence is very serious and, therefore, the Anticipatory Bail Application be rejected.

5. Mr. Ghag, learned APP, submits that, if this Court is inclined to grant anticipatory bail, then the Applicant be directed to give an undertaking in terms of the Order of the Supreme Court in the case of ***Abhijit Jitendra Lolage v. State of Maharashtra***[1] and more particularly relies on following condition imposed by the Supreme Court in case of similar offences:

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

> "*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)

6. Mr. Kadam, learned Counsel appearing for the Applicant, states that the Applicant has given such undertaking and the same is annexed at Page 45 of the Anticipatory Bail Application. The said undertaking reads as under:

UNDERTAKING

I, Padmakar Narhari Tandulkar, the Applicant in Anticipatory Bail Application arising out of FIR No. 337 of 2026 registered with Indapur Police Satation, Pune on 02.06.2026, do hereby solemnly undertake that:

1. I undertake that I shall not deal with, manufacture, transport, possess for sale or distribute Gutkha, Pan Masala with Tobacco, scented tobacco or any other prohibited food article. I understand that breach of this undertaking shall entitle the prosecution to seek cancellation of the protection granted by this Hon'ble Court.

Date: 18/07/2026

Place: Baramati

Applicant
(Padmakar Narhari Tandulkar)

7. The Supreme Court in the said Order has imposed the above condition in case of similar offence.

8. Perusal of the record shows that except the offence under Section 123 of BNS, the other offences are bailable offences. The issue whether Section 123 of 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 is one antecedent, it is necessary to impose stringent conditions on the Applicant.

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

O R D E R

(a) In the event of arrest of the Applicant - Padmakar Narhari Tandulkar in connection with CR No.337 of 2026 registered with Indapur Police Station, Pune Rural, the Applicant is directed to be released on bail on his furnishing PR 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 Indapur Police Station, Pune Rural, once in a week i.e. on every Sunday between 11:00 am to 02:00 pm, till the conclusion of the trial.

(c) The Applicant to abide by the undertaking given to the effect that he will not deal with banned products

i.e. Gutkha, Pan Masala with Tobacco products, in any manner whatsoever. 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 learned Trial Court/concerned Sessions 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.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]