

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.206 OF 2026

Choturam Ratnaram Dewasi	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

AND
ANTICIPATORY BAIL APPLICATION NO.207 OF 2026

Mahesh Jasraj Bhati	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Prashant S. Hagare, for the Applicants.
Ms. R.V. Newton, APP, for the Respondent-State.
PSI, Mr. Devram Vitthal Burud, Chakan Police Station, Pimpri
Chinchwad, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd JANUARY 2026

PC:-

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

2. By the present Application, the Applicant is seeking pre-arrest bail in connection with C.R. No.1115 of 2022 registered on 26th July 2022 with Chakan Police Station, Pimpri-Chinchwad for

the offences punishable under Sections 328, 273, 272, 188 read with 34 of the Indian Penal Code, 1860.

3. It is the submission of Mr. Hagare, learned Counsel that except the offence under Section 328 of Indian Penal Code, all other offences are bailable offences. He submits that as far as Section 328 of Indian Penal Code is concerned, the Supreme Court is considering the applicability of Section 328 of IPC to the similar cases. He therefore, states that the Anticipatory Bail be granted.

4. On the other hand, Ms. Newton, learned APP strongly opposes the Anticipatory Bail Applications. She submits that the offence is very serious and therefore, the Anticipatory Bail Applications be rejected. On instructions learned APP submits that there are no antecedents.

5. 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

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

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)

6. Mr. Hagare, learned Counsel appearing for the Applicants after taking the instructions submits that the Applicant will give the undertaking.

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 328 of the Indian Penal Code the other offences are bailable offences. The issue whether Section 328 of Indian Penal Code 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.

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

ORDER

- (a) In the event of arrest of the Applicant- Choturam Ratnaram Dewasi (In ABA No. 206 of 2026) and the Applicant- Mahesh Jasraj Bhati (In ABA No. 207 of 2026) in connection with C.R. No.1115 of 2022 registered with the Chakan Police Station, District Pimpri - Chinchwad, the Applicants are directed to be released on bail on their furnishing P.R. Bonds in the sum of Rs.1,00,000/- each with one or two solvent sureties in the like amount.
- (b) The Applicants shall attend the concerned Police Station on every Monday between 11:00 a.m. to 02:00 p.m.
- (c) The Applicants to furnish an undertaking that they 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 Applicants to strictly comply with the said undertaking.

- (d) The Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (e) The Applicants 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 Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicants shall not leave India without prior permission of the Court.
- (h) In case, the Applicants violates the terms and conditions of bail, including the undertaking, it would be open to the prosecution to seek cancellation of bail.

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10. The Anticipatory Bail Applications are disposed of accordingly.

(MADHAV J. JAMDAR, J.)