



Criminal Bail Application No. 3485/2026

Pravin Arun Gaikwad Vs State Of
Maharashtra (Hinjawadi Police Station)**A. CASE DETAILS**

- | | |
|---------------------------------------|---|
| 1. FIR Number and Date | CR No. 373/2026
dated 02/06/2026 |
| 2. Police Station, District and State | Hinjwadi Police Station,
Pune. |
| 3. Sections invoked | U/s.123, 223, 274, 275,
3(5) of Bharatiya Nyaya
Sanhita, and 26(2)(i),
26(2)(iv), 27(3)(d), 27(3)
(e), 30(2)(a), 59 of Food
Safety and Standards Act,
2006. |
| 4. Maximum punishment prescribed | May extent to 10 years
also liable to fine. |

B. CUSTODY AND PROCEDURAL COMPLIANCE

- | | |
|--------------------------------------|----|
| 1. Date of arrest | NA |
| 2. Total period of custody undergone | NA |

C. STATUS OF TRIAL

- | | |
|---|---|
| 1. Stage of proceedings | Investigation
(investigation/chargesheet/cognizance/
framing of charge/trial) |
| 2. Total No of witnesses cited in the chargesheet | NA |
| 3. Number of prosecution witness examined | NA |

D. CRIMINAL ANTECEDENTS

- | | | |
|---|--------------------------------------|---|
| 1 | FIR No. and Police Station | CR No. 739/2024,
Hinjewadi Police
Station |
| 2 | Sections | u/s. 328, 269, 270,
272 and 273 of IPC |
| 3 | Status (pending/acquitted convicted) | Pending. |

E. PREVIOUS BAIL APPLICATIONS

- | | | |
|---|------------------|----|
| 1 | Court | NA |
| 2 | Case No. | NA |
| 3 | Outcomes of Case | NA |

F. COERCIVE PROCESSES

- | | | |
|---|---|----|
| 1 | Whether any non-bailable warrant was issued | NA |
| 2 | Whether declared a proclaimed offender | NA |

Appearance:-

Ld. Advocate Shri. Pahadi Laxman Marwadikumbhar for
Applicant/ Accused.
Ld. APP Shri. Anilkumar Varma, for the state.

ORDER BELOW EXH. 1**(Date :- 06/07/2026)**

By this application u/S.482 of the BNSS, 2023, the applicant-**Pravin Arun Gaikwad** has applied for Bail in connection with C.R. No. 373/2026 registered with Hinjewadi Police Station, Pune for the offences punishable under Sections 123, 223, 274, 275, 3(5) of BNS, 2023 and Section 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a) and 59 of Food Safety

and Standards Act, 2006.

2. The Investigating officer through learned APP for the State has filed his say opposed the bail application.

3. I have perused the record and heard the learned Advocate for the Applicant / Accused and learned APP for the State.

4. Learned Advocate for the Applicant/Accused submitted that the accused is innocent, falsely implicated, and name of this applicant stems from a disclosure statement of the co-accused. It was further submitted that the applicant is ready to give an undertaking and abide by any conditions imposed by the court.

5. *Per contra*, the learned APP has opposed the bail application. He submitted that the investigation is ongoing and if the applicant is granted anticipatory bail, he may commit or repeat similar crime. He then submitted that if this court inclines to grant anticipatory bail, the applicant be directed to give an undertaking as directed by the Hon'ble Supreme Court.

6. I have heard both sides and perused the record and the case diary.

7. Pertinently, the Applicant's name was disclosed by the

co-accused during his police custodial remand as the person from whom the prohibited gutkha and pan masala, subsequently seized from the co-accused, were procured.

8. The Hon'ble Supreme Court in the case of ***Abhijit Jitendra Lolage vs State of Maharashtra***, released the Appellant therein on following condition with consequence of its breach 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 ".

9. Shri. Pahadi Laxman Marwadi Kumbhar, learned Advocate appearing for the Applicant after taking instructions submits that the Applicant is willing to give the undertaking.

10. A perusal of the record reveals that, except for the offence punishable under Section 123 of the Bharatiya Nyaya Sanhita, 2023, the remaining offences are bailable in nature. The question as to whether Section 123 of the BNS [corresponding to Section 328 of the Indian Penal Code] would be applicable to cases of a similar nature is presently sub-judice before the Hon'ble Supreme Court.

11. The Applicant's application can be considered favourably as he is ready to furnish the undertaking as stated herein above, and in view of the decision of the Hon'ble Bombay High Court in an identical matter, ***Chetan Dattatray Khandekar v. State of Maharashtra, 2025:BHC-AS:50208, decided on 20.11.2025***, wherein anticipatory bail was granted with the observation that a case for grant of anticipatory bail was made out, subject to the imposition of stringent conditions owing to 10 antecedents against the applicant therein, the present Applicant seeks parity and similar relief.

12. Recently the Hon'ble Bombay High Court in ***Dipen Arvind Gala vs The State Of Maharashtra, 2026:BHC-AS:1350 Decided on 13 January, 2026*** has granted Anticipatory Bail to the Applicant therein upon furnishing undertaking mentioned herein above.

13. Applying the aforesaid principles to the facts of the present case, and as the co-accused has disclosed his name the Applicant is entitled to be released on anticipatory bail, subject to the imposition of similar conditions and upon furnishing the undertaking as stated herein above. In view of the foregoing, the following order is passed:

ORDER

1. Application (Exh.1) is allowed.

2. In the event of arrest, the Applicant- **Pravin Arun Gaikwad** be released on anticipatory bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount in connection with C.R. No.373 of 2026 registered with Hinjwadi Police Station, Pune for the offences punishable under Sections 123, 223, 274, 275, 3(5) of BNS, 2023 and Section 26(2)(i), 26(2)(iv), 27(3) (d), 27(3)(e), 30(2)(a) and 59 of Food Safety and Standards Act, 2006 on following conditions:

- (a) 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;
- (b) The Applicant within a period of two weeks from today shall furnish an undertaking that he will not deal with banned products i.e. Gutkha, Pan Masala with Tobacco products in any manner whatsoever and strictly comply with the said undertaking.
- (c) The Applicant shall attend the concerned Police Station once in a week i.e. on each Sunday between 11:00 a.m. and 04:00 p.m. till filing of the charge-sheet or until further order;
- (d) The Applicant shall furnish his mobile phone number/s and residential as well as business

addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(e) The Applicant shall not leave India without prior permission of the Court concern.

3. Inform the Police Station concern by sending a copy of this order.
4. In terms of above, Application (Exh.1) stands disposed.
5. Case diary is returned to the learned APP

(Dictated and pronounced in open court)

Date: 06/07/2026

(S. B. Bhansali)
Additional Sessions Judge,
Pune.

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- V. A. Chaudhari (Steno, Grade-I)

Court Name :- S. B. Bhansali
D.J.-4th & Addl. Sessions Judge, Pune.

Date :- 06/07/2026
order signed by P.O. on :- 06/07/2026
order uploaded on :- 06/07/2026