

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2430 OF 2025

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Uddhav alias Baba Baburao Nimse	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Sudeep Pasbola, Senior Counsel a/w Mr. Vishwanath Patil, Mr. Harshwardhan Karande, Mr. Kedar Nhavkar i/by Mr. Milan Desai for Applicant.

Mr. Abad Ponda, Senior Counsel a/w Mr. Raviraj Paramane, Mr. Deva Shinde, Mr. Jaydeep Vaishampayan, for Intervenor- First Informant.

Mr. C.D. Mali APP for State.

A.C.P. Shekhar Deshmukh, Ambad Division, Nashik City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10th September 2025

P.C.:

1. The Applicant is seeking Pre-Arrest Bail in connection with C.R. No. 266 of 2025 registered with Aadgaon Police Station, Nashik - registered under sections 109, 189(2), 189(4), 190, 191, 192, 351(2) and 351(3) of the Bharitya Nyaya Sanhita, 2023 ("BNS"). Although the FIR has been initially *inter alia* lodged for offence of attempt to murder under Section 109 of BNS, however, as one injured-Rahul Raju Dhotre succumbed to his injuries on 29th August 2025 the offence of murder under Section 103(1) of BNS has been added.

2. At the outset, it is required to be noted that this Anticipatory Bail Application for the first time came up before this Court on 8th September 2025 and after the same was argued substantially, the same was adjourned to 10th September 2025 for taking instructions of withdrawal of the Application as this Court was not inclined to grant bail. However, today Mr. Pasbola, learned Senior Counsel appearing for the Applicant submitted that the Applicant has instructed him to argue the matter and invite order of this Court. Accordingly, today also submissions of Mr. Pasbola, learned Senior Counsel for the Applicant, Mr. Mali, learned APP for the State and Mr. Ponda, learned Senior Counsel for the First Informant were heard.

3. Mr. Sudeep Pasbola, learned Senior Counsel submitted that the Applicant is not involved in the crime, the Applicant is Ex-Corporator and as such public servant and therefore in fact after he came to know that two groups are assaulting each other the Applicant called the Police and went at the spot to pacify the situation. Learned Senior Counsel submits that the Applicant had taken the injured to the hospital. Learned Senior Counsel also

submits that in fact when the actual assault took place the Applicant was not present.

4. Mr. Mali, learned APP submitted that the offence is very serious, wherein one person has been killed and one is seriously injured, who was in the hospital for about 16 days. Learned APP submitted that as far as the deceased is concerned, there were 31 injuries on his body and as far as the injured is concerned, there were about 7 injuries which are of very serious and grave in nature. He submitted that the contents of FIR have been corroborated by the statements of the eye witnesses, whose statements have been recorded by the Investigating Officer. Learned APP submitted that the contention raised that the Applicant had called the Police is completely false and to substantiate the said contention he points out statement dated 9th September 2025 of Mr. Sanjay Pise, Senior Police Inspector stating that the Applicant has not informed the Police about the incident. Mr. Mali, learned APP further submitted that the Applicant is absconding.

5. Mr. Ponda, learned Senior Counsel appearing on behalf of the Intervenor-First Informant submitted that the offence is very

serious wherein one person has been killed and another person has been seriously injured. He submitted that the Applicant is politically influential person. The Applicant is a sitting Corporator of the Nashik Municipal Corporation, in the sense that he was the Corporator when the term of the elected members have come to an end and still elections are yet to be held. He submits that the Applicant belongs to the Bharatiya Janata Party i.e. ruling party in the State of Maharashtra and therefore although the FIR was lodged on 22nd August 2025 still the Applicant has not been arrested. Learned Senior Counsel submitted that almost all the Accused have been arrested but the Applicant has not been arrested. He submits that the material on record shows that the Applicant had instigated other co-Accused to commit serious crime of murder and as a result crime of murder and attempt to murder had taken place. He submitted that the Police are in fact conducting the investigation in such a manner that incriminating material against the Applicant is not collected. He therefore submits that the Application be dismissed.

6. Before considering the rival submissions, it is necessary to set out the the relevant portion of FIR, which reads as under :

“12. First Information contents (प्रथम खबर हकिगत):

गुरनं 266/2025 भान्यासं कलम-109, 189(2), 189(4), 190, 191, 192, 351(2), 351(3), 352, महाराष्ट्र पोलीस अधिनियम 135 प्रमाणे तपास- API बोंडे

माझे नाव आकाश राजु धोत्रे वय 29 वर्ष, धंदा खासगी नोकरी, जात- वडार, रा. जनार्दन नगर, तुळजाभवानी मंदीरा समोर, नांदुर नाका, संभाजी नगर हायवे, नाशिक, मो. नं. 8459647678. शिक्षण- इयत्ता 12 वी. ईमेल आयडी-akashdhotre 345@gmail.com हजर राहुन फिर्याद देतो की, मी वरील ठिकाणी वडील- राजु लिंगा धोत्रे, आई- पारुबाई राजु धोत्रे, पत्नी रविना आकाश धोत्रे, भाउ- सनी राजु धोत्रे, त्याची पत्नी पुजा सनी धोत्रे, छोटा भाउ- राहुल राजु धोत्रे, त्याची पत्नी मेघा राहुल धोत्रे, लहान भाउ विषाल राजु धोत्रे असे एकत्रीत कुटूंबिय राहतो.

दिनांक 22/08/2025 रोजी सायंकाळी साधारण 05.59 वाजेचे सुमारास मी घरी झोपलो असतांना माझा भाऊ सनी धोत्रे याने मला फोन करून कळविले की, 'आता थोड्या वेळापूर्वी नांदुर नाक्यावर माझे निमसेंच्या दोन मुलांसोबत भांडण झाले आहे, मी तुळजा भवानी मंदिराजवळ येतोय, तु पण तेथे ये'. मी उठून तुळजा भवानी मंदिराजवळ सायंकाळी 06.05 वाजताच्या सुमारास गेलो. माझा भाउ सनी धोत्रे, राहुल संजय धोत्रे, माझ्या आत्याचा मुलगा अजय कुसाळकर व मित्र शुभम तिडके, अल्ताफ शेख हे नांदुर नाक्याकडून तेथे आले. तेथे माझे काका सिकंदर धोत्रे हे उभेच होते. मी माझा भाउ सनी यास काय झाले? याबाबत विचारले असता त्याने मला सांगितले की, 'माझे निमसेंच्या दोन मुलांसोबत भांडण झाले आहे. तेवढ्यात तेथे आडगाव पोलीस ठाण्याची गाडी आली. त्यांनी मला विचारपूस करून माझा भाउ सनी व शुभम तिडके यांना पोलीस गाडीत बसवून त कार देण्यासाठी पोलीस ठाण्यास घेवून गेले. बाकीचे आम्ही तेथेच थांबून होतो. अंदाजे सायंकाळी 06.15 वाजताच्या सुमारास जनार्दन नगर येथील तुळजा भवानी मंदिराजवळ उद्धव उर्फ बाबा बाबूराव निमसे यांची गाडी आली. तेव्हा उद्धव निमसे हे मला बोलले की, 'निमसेंना मारलं का तुम्ही, आम्ही इथले बाप आहोत, बाप, तुम्ही बाहेरून येवून आमच्या गावात गुंडागर्दी कराल का ? त्यानंतर त्यांनी मला शिवीगाळ करण्यास सुरुवात केली. त्यांच्या पाठोपाठ पवन निमसे, संतोश मते, सचिन दिडे, स्वप्निल बागुल, सुधीर निमसे उर्फ गोट्या हे देखील तेथे आले. तेव्हा उद्धव निमसे यांनी सर्वांना उद्देशून 'या सर्व धोत्रें ना मारून टाका, बाहेरून येवून

आम्हाला मारतील का? यांना संपवून टाका, यांना सोडू नका' असे बोलले. तेव्हा मी व माझे काका उद्धव निमसे यांच्या पाया पडत होतो, परंतु ते ऐकण्याच्या मनस्थितीत नव्हते व शिवीगाळ करत होते. त्यानंतर पवन निमसे याने त्याच्या हातात एक छोटी बंदूक काढली, त्यामुळे माझा भाऊ राहुल संजय धोत्रे, माझ्या आत्याचा मुलगा अजय कुसाळकर हे तेथून आमच्या घराच्या गल्लीकडे पळून जायला लागले. त्यांच्या पाठोपाठ पवन निमसे, संतोश मते, सचिन दिंडे, स्वप्निल बागुल, सुधीर निमसे उर्फ गोट्या हे देखील लाकडी दांडे घेवून पळाले. त्यानंतर उद्धव निमसे हे मला तेथेच शिवीगाळ करत असतांना अजून 10 ते 15 गावातील मुलं ज्यात अक्षय अशोक पगार, मेघराज जोजारे, गणेश राजाभाऊ निमसे, रोशन जगताप व इतरांची नावे मला माहित नाही हे तेथे लाकडी व लोखंडी दांडके व सुमित हांडोरे याच्या हातात चाँपर सारखे हत्यार घेवून तेथे आले. ते पण आमच्या घराच्या गल्लीकडे पळाले. काही लोकं हे संभाजी नगर हायवे लगत देखील उभे होते. त्यानंतर पुन्हा तेथे पोलीस गाडी आली व त्यांनी गर्दिची पांगापांग केली. तेव्हा उद्धव निमसे यांनी पोलीसांना देखील शिवीगाळ केली. त्यानंतर काही वेळाने मला माझे मामा दत्त प्रल्हाद कुसाळकर हे सांगत आले की, 'अज्याला घराजवळ मारले आहे, तो तेथे पडेल आहे'. मी, माझे काका व बाकीचे लोक तिकडे पळत गेलो. तेथे गेल्यावर पाहिले की, माझ्या आत्याचा मुलगा अजय कुसाळकर हा रक्तबंबाळ अवस्थेत पडलेला दिसला. त्याच्या डोक्यास, हातास व पायास मार लागलेला दिसत होता. मी, माझे काका सिकंदर व इतर यांनी अजय यास उचलून मंदिराजवळ आणले, तेथे उभ्या असलेल्या एका गाडीत गयावया करून अजय यास दवाखान्यात नेण्यासाठी टाकले व त्या गाडीतून आम्ही अजय यास जगदंब हॉस्पिटल येथे सायंकाळी 06.55 वाजताच्या सुमारास नेले, तेथे मेन डॉक्टर नव्हते, तेथे कोणीतरी अजय यास मलमपट्टी केली. त्यानंतर तेथील स्टाफने पेशंटला जास्त लागले आहे, त्याला मुंबईनाका येथील एका हॉस्पिटलमध्ये घेवून जाण्यास सांगितल्याने मी त्याला खाली आणले. तेव्हा अंदाजे सायंकाळचे 7 वाजले असतील. तेवढ्यात पोलीस गाडीत माझा भाऊ राहुल संजय धोत्रे यास जखमी अवस्थेत आणला. मी इथे डॉक्टर नसल्याचे सांगितले. तेव्हा मी अजय कुसाळकर यास माझे काका सिकंदर धोत्रे व इतरांसोबत मुंबई नाक्याच्या दवाखान्यात रवाना केले. मी पोलीस गाडीत राहुल सोबत बसलो व गाडी अपोलो हॉस्पिटल येथे घेवून जाण्यास सांगितले. मी गाडीत बसल्यावर पाहिले असता माझा भाऊ राहुल याच्या पोटाच्या उजव्या बाजूतून कोथळा बाहेर आला होता व त्याच्या डोक्यात लागलेले दिसत होते. तो बेशुध्द होता. त्यानंतर मी राहुल यास उठवण्याचा प्रयत्न केला परंतु तो उठत नव्हता. अपोलो हॉस्पिटल

येथे सायंकाळी 07.30 वाजताच्या सुमारास माझा भाऊ राहुल यास अँड मिट केले. तेथे मला माझा आत्याचा मुलगा विजय कुसाळकर याने सांगितले की, सुमित हांडोरे यानेच राहुल व अजय यांना चॉपरने मारले आहे.'

तरी आज दिनांक 22/08/2025 रोजी सायंकाळी 06.00 वाजताच्या सुमारास माझा भाऊ सनी राजू धोत्रे वय 25 वर्षे याचे निमसेच्या दोन मुलांसोबत नांदुर नाका येथे किरकोळ वाद झाल्याच्या कारणावरून सायंकाळी 06.15 ते 07.00 वाजताच्या दरम्यान नांदुर गाव व परिसरात राहणारे उद्धव उर्फ बाबा बाबूराव निमसे यांनी मला शिवीगाळ व दमदाटी करून गर्दि जमावून चिथावणी दिल्याने गर्दितील पवन निमसे, संतोश मते, सचिन दिंडे, स्वप्निल बागुल, सुधीर निमसे उर्फ गोट्या, अक्षय अशोक पगार, मेघराज जोजारे, गणेश राजाभाउ निमसे, रोशन जगताप व इतर 10 ते 15 इसमांनी लाकडी, लोखंडी दांडे व चाकू सारखे हत्यार घेवून जीवे ठार मारण्याच्या उद्देशाने माझा आत्याचा मुलगा अजय दत्त कुसाळकर, वय 27 वर्षी व माझा भाऊ राहुल संजय धोत्रे यांचा पाठलाग करत अजय कुसाळकर यास त्याच्या घराच्या मागे, जनार्दन नगर, नांदुर नाका, नाशिक येथे सुमित हांडोरे याने चॉपरने व इतरांनी देखील लाकडी व लोखंडी दांड्यांनी मारहाण करून त्याच्या डोक्यास, हातास व पायास गंभीर जखमी केले व माझा भाऊ राहुल संजय धोत्रे यास दिंडे मळा, नांदुर नाका, नाशिक येथे सुमित हांडोरे याने चॉपरने मारहाण करून त्याच्या पोटाच्या उजव्या बाजूतून कोथळा बाहेर काढला व इतरांनी त्याच्या डोक्यास मारहाण करून त्यास गंभीर जखमी केले म्हणून माझी फिर्याद आहे."

(Emphasis added)

The English translation of FIR is as under :

"An offence registered vide C.R. No. 266/2025 under Sections 109, 189(2), 189(4), 190, 191, 192, 351(2), 351(3), 352 of the B.N.S. r/w Section 135 of the Bombay Police Act. Investigating Officer – API Bonde.

I, Aakash Raju Dhotre, age – 29 years, education – 12th std., occupation – Private Service, caste – Waddar, residing at – Janardan Nagar, opposite Tulja Bhavani Temple, Nandur Naka, Sambhaji Nagar Highway,

Nashik. Mob. No. 8459647678, E-mail Id – akashdhotre345@gmail.com, by personally remaining present lodge complaint as under:

I am residing at the above-mentioned address along with my father – Raju Linga Dhotre, mother – Parubai Raju Dhotre, wife – Ravina Akash Dhotre, brother – Sunny Raju Dhotre, his wife – Pooja Sunny Dhotre, younger brother – Rahul Raju Dhotre, his wife – Megha Rahul Dhotre and younger brother – Vishal Raju Dhotre, in a joint family.

On the date 22.08.2025, in the evening at about 05:59 p.m., when I had slept in the house, my brother by name Sunny Dhotre telephoned me and informed that, “now, some time ago, at Nandur Naka, I had a quarrel with two sons of Nimse, I am reaching at the Tulaja Bhavani Temple, you also come there”. Thereafter, I got up and in the evening at 06:05 p.m., I went near the Tulaja Bhavani Temple. My brother Sunny Dhotre, Rahul Sanjay Dhotre, Ajay Kusalkar, son of my paternal aunt and friends by names Shubham Tidke and Altaf Shaikh came there from Nandur Naka. My uncle by name Sikandar Dhotre was already standing there. I asked my brother by name Sunny as to what had happened, he said, “I had a quarrel with Nimse’s two sons”. At that time itself, a Police Van from Aadgaon Police Station came there. The Police made enquiry with me and made by brother Sunny and Shubham Tidke to sit in the Police Van and took them to Police Station to lodge a complaint. Rest of us had waited there itself. **At or around 06:15 p.m. in the evening, Uddhav alias Baba Baburao Nimse’s motor vehicle arrived near the Tulaja Bhavani Temple located in Janardan Nagar. At that time, Uddhav Nimse said to me, “Did you beat Nimses up ? We are the boss of this place, boss; how can you come from outside and cause hooliganism in our village ?” Thereafter, he started hurling abuses at me. Pavan Nimse, Santosh Mate, Sachin Dinde, Swapnil Bagul, Sudhir Nimse alias Gotya also came to the said place after him. Thereafter, Uddhav Nimse said to all, “Kill all**

these Dhotres, how can they come from outside and beat us up ?, eliminate them, Don't spare them". At that time, my uncle and I was begging Uddhav Nimse, however he was not in a mood to listen anything and was hurling abuses. Thereafter, Pavan Nimse took out a small gun and held it in his hand. On seeing the same, my brother Rahul Sanjay Dhotre, my paternal aunt's son by name Ajay Kusalkar started running away to the lane where our house was located. Pavan Nimse, Santosh Mate, Sachin Dinde, Swapnil Bagul, Sudhir Nimse alias Gotya also chased them by holding wooden rods. Thereafter, when Uddav Nimse was hurling abuses at me by standing there and there itself, 10 to 15 more boys from the village including Akshay Ashok Pagar, Meghraj Jojare, Ganesh Rajabhau Nimse, Roshan Jagtap and others, whose names I do not know, armed with wooden and iron rods appeared there. Sumit Handore came there by holding a weapon like a chopper. They also ran to the lane where our house was located. They also ran towards the lane of our house. Some people were standing also near the Sambhaji Nagar Highway. Thereafter, again a Police vehicle arrived at the said place and they dispersed the crowd. At that time, Uddhav Nimse also hurled abuses at the police. After some time thereafter, my maternal uncle Dattu Pralhad Kusalkar came, telling me that, "Ajay has been assaulted near the house and he is lying at that place" and therefore, my uncle, other people and I rushed towards the said place. After going to the said place, I saw that son of my father's sister by name Ajay Kusalkar was lying in a pool of blood. He had sustained injuries to his head, hand and leg. My uncle Sikandar, I and other people lifted Ajay and brought him near the temple and after making a request earnestly for a vehicle stationary at that place, put Ajay in the said vehicle to take him to the hospital and by the said vehicle, we took Ajay to Jagdamba Hospital at about 06.55 hrs. in the evening. However, as the main Doctor was not present in the hospital, someone from the hospital applied dressing to Ajay. Thereafter, as the staff from that place said that the patient was seriously injured and told me to take

him to the hospital at Mumbainaka, I brought him downstairs. At that time, it was about 7.00 hrs. in the evening. Meanwhile, my brother Rahul Sanjay Dhotre was brought in an injured state by Police vehicle. I told them that there was no Doctor present at the said place. Thereafter, I sent Ajay Kusalkar along with my uncle Sikandar Dhotre and others to the hospital at Mumbainaka. I sat in the Police vehicle with Rahul and told to take the vehicle to Apollo Hospital. When I sat in the vehicle, I saw that the intestines of my brother Rahul had come out from the right side of his stomach and saw that he had sustained injuries to his head and he was unconscious. Thereafter, I tried to make Rahul get up, but he was not getting up. At about 07.30 hrs. in the evening, my brother Rahul was admitted to Apollo Hospital. At that place, the son of my father's sister by name Vijay Kusalkar told me that, "Sumit Handore only assaulted Rahul and Ajay with a chopper."

Thus, today, on the date 22/08/2025, at around 06.00 hrs. in the evening, at Nandur Naka, my brother Sunny Raju Dhotre, age 25 years, had a petty quarrel with two sons of Nimse and over the said reason, Uddhav alias Baba Baburao Nimse, residing at Nandur village and in surrounding area, between 06.15 hrs. to 07.00 hrs. in the evening, hurled abuses at me and threatened me and gathered assembly and instigated me due to which, the persons from the assembly by names Pawan Nimse, Santosh Mate, Sachin Dinde, Swapnil Bagul, Sudhir Nimse alias Gotya, Akshay Ashok Pagar, Meghraj Jojare, Ganesh Rajabhau Nimse, Roshan Jagtap and other 10 to 15 persons, armed with wooden, iron rods and knives, chased son of my father's sister by name Ajay Dattu Kusalkar, age 27 years and my brother Rahul Sanjay Dhotre with an intention to kill and Sumit Handore assaulted Ajay Kusalkar with a chopper at the backside of his house at Janardan Nagar, Nandur Naka, Nashik and others also assaulted him with wooden and iron rods and thereby caused him grievous injuries to his head, hand and leg. Similarly, Sumit Handore assaulted my brother Rahul Sanjay Dhotre with a chopper at

Dinde Mala, Nandur Naka, Nashik and as a result, his intestines came out from the right side of his stomach and others assaulted to his head and caused grievous injuries to him and therefore, I have lodged my complaint.”

Thus, as per the prosecution case, it is the Applicant who had instigated other co-accused and told them that they should kill all members of Dhotre family. In the incident in question, one Rahul Raju Dhotre has been killed and another person Ajay, who is cousin of Rahul Dhotre, has been seriously injured. There were 31 injuries on the body of the deceased and about 8 very grave and serious injuries on the body of the injured. The injured was in the hospital for about 16 days. The FIR and other material collected shows that the Applicant has played major role in the crime and but for the support and instigation of the Applicant serious crime of the murder would have been prevented. The material on record shows that the Applicant had abused Police Personnel and prevented them from doing their duty. The same also shows that although the Applicant, an elected representative of people, however, instead of preventing the crime in fact he has instigated the crime and due to his instigation co-Accused assaulted the victims mercilessly and one person has been killed and other person was seriously injured and was in the hospital for about 16 days.

7. The Supreme Court in the case of **Nikita Jagannath Shetty alias Nikita Vishwajeet Jadhav Vs. State of Maharashtra**¹ has held that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The Supreme Court in the said decision has referred to another decision of the Supreme Court in the case of **Srikant Upadhyay Vs. State of Bihar**². The relevant paragraph i.e. paragraph No.18 of **Nikita Jagannath Shetty** (supra) reads as under :

“18. This Court, in numerous judgments, has held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. In this regard, we may gainfully refer to Srikant Upadhyay v. State of Bihar wherein this Court noted as follows:

“We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. **While called upon to exercise the said power, the Court concerned has to**

¹ (2025) SCC OnLine SC 1489

² (2024) SCC OnLine SC 282

be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases.”

(emphasis supplied)

Thus, what the Supreme Court reiterated is that the High Court while exercising the jurisdiction to grant anticipatory bail application has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

8. The observation of the Supreme Court are squarely applicable to the present case. The Applicant, who is a highly politically influential person and belonging to the ruling Bharatiya Janata Party, has not been arrested even when the offence is very serious of murder and attempt to murder. The FIR has been initially *inter alia* lodged under Section 109 of BNS, however, as one injured-Rahul Raju Dhotre succumbed to his injuries on 29th

August 2025 the offence under Section 103(1) of BNS has been added. The other person i.e. Ajay Kusalkar who has been seriously injured and has been discharged yesterday i.e. on 9th September 2025. Thus, he was in the hospital from 22nd August 2025 till 9th September 2025. Although the offence is very serious, from 22nd August 2025 till date, the Applicant has not been arrested. Is is the submission of Mr. Pasbola, learned Senior Counsel that the the learned Sessions Court has protected the Applicant for 4 days and as this Application was adjourned on 8th September 2025 to 10th September 2025, he has not been arrested.

9. However, it is required to be noted that the learned Sessions Judge, Nashik has rejected the Anticipatory Bail Application on 29th August 2025 and for the first time this Anticipatory Bail Application was placed before this Court on 8th September 2025. As set out earlier, learned APP has stated that the Applicant is absconding and although efforts have been made to arrest him, he is not available. The Applicant is a politically influential person belonging to ruling Bharatiya Janata Party. There is possibility that the investigation will be tampered with. The offence is very serious, where one person has been killed and another person has

been seriously injured. The F.I.R. shows that main role is of the Applicant and in fact the Applicant has instigated co-Accused in committing the serious crime of murder. In fact, the FIR shows that the Applicant has abused Police Personnel present at the spot and in effect prevented them for taking steps to preven the crime.

10. Mr. Pasbola, learned Senior Counsel submitted that in fact the Applicant had informed the Police and he had taken the injured to the Hospital. However, F.I.R. clearly shows that after the Police have arrived on the spot, the Applicant, who is the Ex-Corporator belonging to the Ruling Party came on the spot and had instigated other co-Accused and in fact, told the other co-accused to kill the members of Dhotre family. In fact, the FIR also shows that the Applicant had abused Police Personnel and prevented them from doing their duty. The FIR also shows that although the Applicant is an elected representative of people, however, instead of preventing the crime in fact he has instigated the crime and due to his instigation co-Accused assaulted the victims mercilessly where one person has been killed and other person was seriously injured and was in the hospital for about 16 days.

11. As held by the Supreme Court, Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The Supreme Court has also observed that grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. These observations are squarely applicable to the present case. Accordingly, the Applicant is not entitled for any protection.

12. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]