

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3557 OF 2025

Vikas Bharat Gogawale And Anr.	...Applicants
<i>Versus</i>	
State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.3561 OF 2025

Vijay Malusare & Ors.	...Applicants
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Harshad Bhadbhade a/w Harshad Sathe, Advocate for Applicants (in ABA/3557/2025).
Mr. Siddharth A. Mehta a/w Harshada Shrikhande a/w Vaibhav, Advocate for Applicants (in ABA/3561/2025).
Mr. S. M. Mangaonkar, APP for the State (in ABA/3557/2025).
Ms. S. M. Yadav, APP for the State (in ABA/3561/2025).
API, Shivram Khade, Mahad City Police Station, Raigad, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd December 2025

P.C.:

1. Heard Mr. Bhadbhade, learned Counsel appearing for the Applicants in ABA No.3557/2025, Mr. Mehta, learned Counsel appearing for the Applicants in ABA No.3561/2025, Mr. Mangaonkar, learned APP in ABA No.3557/2025 and Ms. Yadav, learned APP in ABA No.3561/2025 for the Respondent-State.

2. By these applications filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”), the Applicants are seeking pre-arrest bail in connection with C.R. No.178 of 2025 registered with Mahad City Police Station, Raigad, for the offences punishable under Sections 109(1), 115(2), 119(1), 126(2), 189(2), 190, 351(3), 352, 61, 292, 324(2), 324(4), 324(5), 324(6), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”) and under Section 135, 37(1) and 37(3) of the Maharashtra Police Act, 1951 and 131(2) of the The Representation of the People Act, 1951 and under Section 25(1)(b) and 3 of the Arms Act, 1959.

3. The said FIR has been earlier registered at Mahad Taluka Police Station, Mahad on 2nd December 2025 at 23.46 as ‘zero’ FIR and thereafter the same was transferred to Mahad City Police Station, Mahad and registered on 3rd December 2025 at 3.53.

4. The statement of the First Informant dated 02nd December 2025, reads as under :-

मी सुशांत गणेश जबरे, वय-30 वर्षे व्यवसाय
व्यापार रा. टोळ बुद्धक. ता. महाड जि. रायगड
मोबाईल नंबर 902222242, समक्ष महाड तालुका

पोलीस स्टेशन येथे हजर राहून जबाब देतो की, मी राष्ट्रवादी काँग्रेस पार्टी (अजीत पवार) या राजकीय पक्षाचा महाराष्ट्र प्रदेश युवक उपाध्यक्ष म्हणून पक्ष संघटनेचे काम करतो. मी महाड तालुक्यातील रहीवासी असल्याने तसेच महाड नगरपरिषेदची सार्वत्रिक निवडणुक असल्याने निवडणुकीचा आढावा व उमेदवारांच्या भेटी घेण्याकरीता दिनांक 02/12/2025 रोजी सकाळी 11.00 वा. सुमारास महाड शहरामध्ये फिरत असताना साधारण 12.00 वाजता प्रभाग क्रमांक 05 च्या उमेदवारांना भेटून पायी येत असताना मंत्री पुत्र विकास गोगावले, प्रशांत कदम, विकी शिंदे, व अन्य 17 ते 18 इसम मोटार सायकलवर माझे समोर आले व एक महीन्यात तुझा कार्यक्रम करणार असे धमकी देवून पुढे गेले त्यानंतर मी तेथून प्रभाग 01 व 02 च्या मतदान केंद्राच्या बाहेर अप्सरा हॉटेलच्या बाजूच्या रस्त्यावरील शोभाताई सावंत यांचे घरासमोर रस्त्यावर साधारण दुपारी 01.00 वा. च्या सुमारास मी वापरत असलेली चारचाकी वाहने गाड फॉरचुनर गाडी क्रमांक एम. एच.02 एफ.एक्स. 4100 या गाडीमध्ये बसून जात असताना माझ्या गाडी समोर विकास भरत गोगावले, महेश गोगावले, विजय मालुसरे, प्रशांत शेलार, धनजंय मालुसरे, सिध्देश शेठ, वैभव (बाबू) मालुसरे, सुरज मालुसरे व अन्य 08 ते 10 गुंड इसमांनी माझी गाडी अडवून मला शिवीगाळी करून गाडीच्या बाहेर यायला सांगत होते.

मी गाडी बाहेर येत नाही हे पाहून सदर सर्व इसमांनी माझ्या सोबतच्या गाडीच्या काचा फोडल्या माझा ड्रायव्हर पप्पू यास गाडीचे बाहेर खेचून काढून मारहाण करत होते. विकास गोगावले यांनी मला गाडीचे बाहेर खेचून माझे डावे कानाखाली मारली व मला मारहाण करण्यास सुरवात केली त्यामध्ये माझा शर्ट पूर्णपणे फाटला त्याच बरोबर माझ्या गाडीतील माझा एक गार्ड गोपाल सिंग यास देखील त्यांनी बेदम मारहाण केली. त्यामध्ये त्याचे डावे डोळ्यावर गंभीर दुखापत झाली आहे. विकास गोगावले यांनी गार्ड गोपाल सिंग याचे कमरेवर असलेली परवाना रिव्हॉल्वर खेचून घेतली व माहोवर तसेच गोपाल सिंग वर ताणून " आज तुमचा गेमच करतो" असे बोलला त्यावेळी तेथील श्री. राजू कोरपे हे मध्ये आले व

त्यांनी मला तेथून वाचवून बाजूला केले मी माझा जिव वाचविण्याकरीता तेथून पळालो सदर इसमांनी माझ्या सोबत असलेले गिव व्यकेट गंडाला, मनज्योतसिंग अरोरा, यांना देखील सदर इसमांनी मारहाण केली आहे.

सदर इसमांनी माझे सोबत असलेले मित्र व्यकंट मंडाला याची गळयातील सोन्याची चैन, तिन मोबाईल, गार्ड गोपाल सिंग याचा एक मोबाईल असे एकूण चार मोबाईल फोन सदर इसमांनी काढून घेवून लंपास केले आहेत. तसेच व्यकेट मंडाला, गोपालसिंग, मनज्योतसिंग अरोरा, यांना गंभीर दुखापती झाल्याने त्यांना ग्रामीण रुग्णालय महाड मध्ये उपचाराकरीता दाखल केले आहे. सदर इसमांचा मला जिवे ठार मारण्याचा प्रयत्न होता. यापुर्वी देखील विकास गोगावले यांनी मला अनेक वेळा फोन वरून ठार मारण्याच्या धमक्या दिलेल्या आहेत. सदर इसमांपासून माझ्या जिवाला धोका आहे. तरी माझी सदर झाले प्रकारा बाबत विकास भरत गोगावले, महेश गोगावले, विजय मालुसरे, प्रशांत शेलार, धनजंय मालुसरे, वैभव (बाबू) गालुसरे, सुरज मालुसरे सर्व रा. ढालकाठी ता. महाड, सिध्देश शेठ रा.पोलादपुर ता. पोलादपुर व अन्य 08 ते 10 गुंड इसम यांचे विरुद्ध कायदेशिर तक्रार आहे.

(Emphasis added)

English translation of the same reads as under :

“I, Sushant Ganesh Jabare, Age – 30 Years, Occupation – Business, Residing at – Tol Budruk, Taluka – Mahad, District – Raigad, Mobile No. 9022222242. By remaining personally present in Mahad Taluka Police Station, I give my statement as under :

I am Youth Vice President of the Political Party viz. Nationalist Congress Party (Ajit Pawar) for Maharashtra Region and in that capacity, I work in the Party Organisation. I

am a resident of Mahad Taluka and as there was General Election to the Mahad Municipal Council, on the date 02.12.2025, in the morning at 11:00 a.m., I was walking around in the city of Mahad to take a review of the election process and also to meet the candidates. At or about 12:00 hrs., when I was walking back after meeting the Candidates from Ward No.5, Vikas Gogavale, son of the Minister, Prashant Kadam, Vicky Shinde and other 17 to 18 persons, riding on motor cycles, appeared before me, threatened me saying, "you will be eliminated within one month" and went ahead. Thereafter, in the afternoon, at or around 01:00 p.m., on the road in front of the house of Shobhatai Sawant, located on the road near Apsara Hotel, outside the Polling Booth for Ward Nos. 01 and 02, when I was going in my four wheeler motor vehicle viz. Fortuner Motor Vehicle, bearing No. MH-02-FX-4100 that I was using, persons by names Vikas Bharat Gogavale, Mahesh Gogavale, Vijay Malusare, Prashant Shelar, Dhananjay Malusare, Siddhesh Sheth, Vaibhav (Babu) Malusare, Suraj Malusare and other 08 to 10 hooligans stopped my motor vehicle, hurled abuses at me and they were telling me to come out of the motor vehicle.

On seeing that I was not coming out of the motor vehicle, all those persons broke the glasses of the motor vehicle in which I was travelling. They dragged my driver by name Pappu out of the vehicle and assaulted him. Vikas Gogavale dragged me out of my motor vehicle and slapped me on my left temple and started assaulting me. My shirt totally got torn in that incident. Those persons brutally assaulted even my one bodyguard by name

Gopal Singh who was present in my motor vehicle wherein he has sustained a severe injury to his left eye. Vikas Gogavale snatched the licensed revolver that was tucked to the waist of the Guard by name Gopal Singh, aimed it at me and even at Gopal Singh and said, "Today, I will definitely eliminate you". At that time, Shri Raju Korpe from the said place intervened in the incident and he saved and took me aside. Thereafter, I ran away to save my life.

Those persons have even assaulted my friends by name Vyankat Mandala, Manjyotsingh Arora who were present along with me. Those persons have snatched and stolen the gold chain of my friend by name Vyankat Mandala that he was wearing around his neck and his three mobile phones and one mobile phone of my guard by name Gopal Singh, thus in all four mobile phones. **Similarly, as Vyankat Mandala, Gopal Singh and Manjyotsingh Arora have sustained severe injuries, they have been admitted in the Rural Hospital at Mahad for their medical treatment. Those persons had attempted to kill me.** Previously also, at several times, Vikas Gogavale had threatened me on phone to kill me. There is a threat to my life from those persons and therefore, I have a lawful complaint against Vikas Bharat Gogavale, Mahesh Gogavale, Vijay Malusare, Prashant Shelar, Dhananjay Malusare, Vaibhav (Babu) Malusare, Suraj Malusare, all are resident of Dhalkathi, Taluka – Mahad, Siddhesh Sheth, Residing at – Poladpur, Taluka – Poladpur and other 08 to 10 hooligans for the incident that was occurred."

5. It is the submission of Mr. Bhadbhade and Mr. Mehta learned Counsels appearing for the Applicants that the Applicants are not involved in the crime and in fact, Applicants were not present at the spot. The Applicants were near their residential house. Learned Counsel points out cross FIR which has been filed by the present Applicant No.2 and submits that in fact the Applicants are the victims. He submits that no offence s alleged has taken place and therefore, the Anticipatory Application be granted.

6. On the other hand, Ms. Yadav, learned APP and Mr. Mangaonkar, learned APP, submits that the offence has taken place at the time when prohibitory order was in operation as the Election process of Mahad Municipal Council was going on and the voting of the said Election was underway on 2nd December 2025 when the incident took place. Both of them submitted that the Accused gave threats by using the revolver of the guard and assaulted the injured. There are eye witnesses to the incident and the CCTV footage and video recording of the incident is available where involvement of the Applicants is seen. Both of them therefore, submits that the offence is very serious and the custodial interrogation is necessary.

7. Before consideration of the rival contentions it is necessary to set out the prosecution case. The same is as follows :-

i. The First Informant is the Vice President of the Political Party viz. Nationalist Congress Party (Ajit Pawar) (Youth Wing) for Maharashtra Region. He is a resident of Mahad Taluka.

ii. As there was General Election to the Mahad Municipal Council, on 2nd December 2025 in the morning at 11:00 a.m., he was walking around in the city of Mahad to take a review of the election process and also to meet the candidates.

iii. At or about 12:00 hrs., when he was returning back from Ward No.5, Vikas Gogavale, son of the Minister, Prashant Kadam, Vicky Shinde and other 17 to 18 persons, riding on motor cycles, approached him and threatened him saying, “you will be eliminated within one month” and went ahead.

iv. Thereafter, in the afternoon, at or around 01:00 p.m., outside the Polling Booth for Ward Nos. 01 and 02, when the First Informant was going in his four wheeler motor vehicle viz. Fortuner Motor Vehicle, bearing No. MH-02-FX-4100 said Vikas Bharat Gogavale, Mahesh Gogavale, Vijay Malusare,

Prashant Shelar, Dhananjay Malusare, Siddhesh Sheth, Vaibhav (Babu) Malusare, Suraj Malusare and other 08 to 10 hooligans stopped his motor vehicle, hurled abuses at the First Informant and asking the First Informant to come out of the motor vehicle.

v. As the First Informant was not coming out of the motor vehicle, all those persons broke the glasses of the motor vehicle in which the First Informant was travelling. They dragged the driver out of the vehicle and assaulted him. Vikas Gogavale dragged the First Informant out of his motor vehicle and slapped the First Informant and started assaulting him.

vi. The Accused brutally assaulted even the bodyguard of the First Informant and he has sustained a severe injury to his left eye.

vii. Vikas Gogavale snatched the licensed revolver that was with the Guard and aimed the same at the First Informant and threatened that he would eliminate the First Informant on the same day.

viii. At that time, one Raju Korpe intervened in the incident and he saved and took the First Informant aside. Thereafter, the First Informant ran away to

save his life. The Accused have even assaulted the friends of the First Informant, by name Vyankat Mandala, Manjyotsingh Arora who were present along with me.

ix. Some others have also been assaulted in the incident and the gold chain of Vyankat Mandala which he was wearing around his neck and his three mobile phones and one mobile phone of the First Informant's guard were also stolen.

8. The prosecution case as set out herein above clearly shows that the Applicants are involved in a very serious crime. There are eye witnesses to the incident and the CCTV footage and video recording of the incident is available. Thus, there is prima facie material against the Applicants.

9. It is very important to note that the incident in question took place on 2nd December 2025 when the voting for the Election of Mahad Municipal Council was underway. The incident took place when the prohibitory orders passed under Section 37(1) and 37(3) of the Maharashtra Police Act, 1951 were in operation.

10. Although it is the submission of learned Counsel of the Applicants that the Applicants are not involved in the crime and even not present when the incident took place, the photographs on which learned Counsel of the Applicants have relied clearly show the presence of the Applicants at the site when the incident took place.

11. In this background of the matter it is significant to note that Applicant No.2 Mahesh Nivrutti Gogawale in ABA/3557/2025 has filed cross FIR being C.R.179/2025 registered with Mahad City Police Station, Mahad. The important contents of the said FIR are set out herein below for ready reference :-

- i. On 02/12/2025, there was voting from 7.00 a.m. to 5.30 p.m. for the post of Mayor and Corporator for Mahad Municipality.
- ii. Therefore, cousin brother Vikas Gogawale and workers by names Vijay Malusare, Sushant Jadhav, Prashant Kadam, Suraj Malusare and I i.e. Mahesh Nivrutti Gogawale and other eight to ten workers, were paying visits to all Polling booths in Mahad City.

- iii. While visiting the Polling booths, at around 01.30 hrs. in the afternoon, when we all were proceeding towards the residence of the Hon'ble Minister at Mahad, we noticed that 03 four wheeler vehicles were parked adjacent to the road at Rohidas Nagar, Mahad and the persons belonging to the Nationalist Congress Party (Ajit Pawar Group) were waiting outside the said vehicles. In FIR 8 persons were named and also mentioned about 12 to 15 unknown persons.
- iv. While we were proceeding towards the residence by passing the said place, one unknown person out of them took out one pistol from his waist and threatened by saying : "I will kill you" and with an intention to kill me and my cousin brother Vikas Gogawale, aimed the said pistol at us and fired. Thereupon, I got frightened. However, as the bullet did not get fired from the said pistol, we were saved.
- v. At that time, all the workers who were accompanying us, rushed to the said unknown person and they caught hold of him. At that time, 8 named persons in the FIR and also 12 to 15 unknown persons to whom we were knowing and who were accompanying the person who

attacked us, rushed to myself (i.e. Mahesh Gogawale) and my cousin brother Vikas Gogawale and also to our workers. Thereafter, they assaulted the said group with wooden sticks, rods and hockey sticks.

Thereafter, other details are given in the said statement.

12. The said cross FIR is set out in detail herein above as the same shows that the contention raised on behalf of the Applicants that the Applicants were not present at the spot and at that time they were at different place is totally incorrect contention.

13. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. 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. It has been further held that while called upon to exercise the said power, the Court concerned 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

1 2025 SCC OnLine SC 1489

may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

14. The Supreme Court in the case of ***State Rep. by the C.B.I. Vs. Anil Sharma***² has held that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code of Criminal Procedure, 1973 i.e. Section 482 of BNSS. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

15. The Supreme Court in the case of ***Y v. State of Rajasthan***³ has held that

“9. ...The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no straitjacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, inter alia, relate to

2 (1997) 7 SCC 187

3 (2022) 9 SCC 269

prima facie involvement of the accused, nature and gravity of the charge, severity of the punishment, and the character, position and standing of the accused.”

(Emphasis added)

16. The Applicant No.1 -Vikas Bharat Gogawale in ABA No. 3557 of 2025 is the son of Cabinet Minister of the State of Maharashtra and the Applicant No.2 -Mahesh Nivrutti Gogawale in said ABA is the nephew of said Cabinet Minister of the State of Maharashtra. As far as the Applicant Nos.1 to 4 in ABA No.3561 of 2025 are concerned they are near relatives of said Cabinet Minister.

17. The Applicants are very influential persons. As noted herein above the offence is very serious which has taken place when the prohibitory orders were in operation and on that date voting for Election of Mahad Municipal Council was underway. Thus, offence is very grave and the purpose *inter alia* also to influence the Election process.

18. Perusal of the record further shows that, the Applicant No.1 - Vikas Bharat Gogawale (in ABA No.3557 of 2025) has 3 antecedents including offence under Section 307 of the Indian

Penal Code, 1860 (“**IPC**”) and as far as the Applicant No.2 -Mahesh Nivrutti Gogawale (in ABA No.3557 of 2025) is concerned there is one antecedent of Section 302 of the IPC. The Applicant Nos.1, 2 and 3 in ABA No.3561/2025 has also one antecedent each.

19. This is a case where the incident in question has taken place when the Election process of Mahad Municipal Council was going on and the same has occurred on the day of voting. As set out herein above the crime is very serious. The Applicants are very influential persons. The Applicants include son, nephew of and near relatives of Cabinet Minister of the State of Maharashtra. There is likelihood that the Applicants will tamper with the investigation. Therefore, the custodial interrogation is necessary.

20. Although, there is C.R. No. 179 of 2025 registered by the Mahesh Nivrutti Gogawale i.e. Applicant No.2, is a cross FIR, the crime is very serious and the same took place when the Election process was going on, for the Election of Mahad Municipal Council and the incident in question took place on the day of the voting at about 01:00 p.m. The incident took place when the prohibitory orders issued under Section 37(1) and 37(3) of the Maharashtra

Police Act, 1951 were in force. Prima facie in the incident in question members of two groups/political parties namely Nationalist Congress Party (Ajit Pawar) and Shivsena (Eknath Shinde) assaulted and threatened each other. Both the said political parties are ruling parties in a coalition Government in the State of Maharashtra. Both the groups are very influential.

21. Accordingly, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Applications are dismissed.

(MADHAV J. JAMDAR, J.)