

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3559 OF 2025

Sushant Jabare And Ors.

...Applicants

Versus

State of Maharashtra

...Respondent

Mr. Gaurav Parkar a/w Mihir Sharma a/w Nikita Kaur, Advocate for Applicants.

Mr. S. A. Karmakar, APP for the State.

API, Shivram Khade, Mahad City Police Station, Raigad, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 23rd December 2025

P.C.:

1. Heard Mr. Parkar, learned Counsel appearing for the Applicants and Mr. Karmakar, learned APP for the State.

2. By this 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.179 of 2025 registered with Mahad City Police Station, Raigad, for the offences punishable under Sections 109, 126(2), 131, 189(2), 189(4), 191(2), 191(3), 309(4), 351(3) and 61(2) of the Bharatiya Nyaya

Sanhita, 2023 (“BNS”) and under Sections 25, 27 and 3 of the Arms Act, 1959.

3. Initially the crime is registered as ‘Zero’ FIR on 3rd December 2025 at 01:55 with MIDC Police Station, District-Raigad and thereafter the same was transferred to Mahad City Police Station, District Raigad and registered on 3rd December 2025 at 06:21.

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

"मी महेश निवृत्ती गोगावले, वय-39 वर्षे, व्यवसाय सिव्हील कॉन्ट्रक्टर, रा. पिपळवाडी, ता. महाड, जि. रायगड, मो. नं. 7249805557, आधारकार्ड नं. 935503453911, ई-मेल आय.डी. mahesh@gmail.com समध हजर राहुन खबर देतो की, मी वरील ठिकाणी राहणारा असुन तेथे मी माझे कुटुंबासह एकत्र राहत असुन मी महाड एम. आय. डी. सी. येथील कंपण्यांमध्ये सिव्हील कौन्ट्रक्टरचा व्यवसाय करुन त्यामधुन येणारे उत्पन्नातुन मी माझे कुटुंबाचा उदरनिवाह करीत असतो. माझे चुलते भरत मारती गोगावले हे सध्या महाराष्ट्र राज्याचे मंत्री असुन त्यांचेकडे सध्या फलोत्पादन व खारभूमी विकास हा विभाग अहुन चुलत भाउ विकास भरत गोगावले हा शिवसेना (एकनाथ शिंदे गट) या राजकिये पक्षाचा युवा सेना कोअर कमिटी सदस्य, महाराष्ट्र राज्य या पदाचा कार्यभार पाहतो.

आज दि. 02/12/2025 रोजी सकाळी 07.00 वा. ते सायंकाळी 05.30 वा. पर्यंत महाड नगर पालिका नगराध्यक्ष व नगर सेवक या पदावलीता मतदान प्रक्रिया असल्याने मी तसेच भाउ विकास गोगावले व कार्यकर्ते विजय नालुसरे, सुशांत जाधव, प्रशांत कदम, सुरज मालुसरे तसेच इतर 08 ते 10 कार्यकर्ते असे आम्ही महाड शहरामधील सर्व मतदान केंद्रांना भेटी देत होतो. आम्ही मतदान केंद्रांना भेटी देत दुपारी 01.30 वा. चे सुमारास आम्ही सर्वजण पायी चालत मंत्री नहोदय यांचे महाड येथील निवासस्थानी जात असताना रोहिदास नगर, महाड येथे रस्त्याचे बाजूला 03 चार चाकी वाहने थांबलेली होती. त्या वाहनांचे बाहेर राष्ट्रवादी काँग्रेस (अजित पवार गट) या पक्षाचे 1) सुशांत गणेश जाबरे, रा. टोळ बुद्रुक, ता. महाड, जि. रायगड, 2) हनुमंत मोतिराम जगताप, रा. महाड, ता. महाड, 3) श्रीयश माणिक जगताप रा. महाड, ता. महाड, 4) निलेश महाडीक, मुळ रा. किंजळोली, ता. महाड, सध्या रा. नांगलवाडी, ता. महाड 5) धनंजय ऊर्फ बंटी देशमुख, रा. महाड, ता. महाड, 6) अमित शिगवण (पूर्ण नाव, माहीती नाही), 7) व्यंकट मंडाला (पूर्ण नाव पत्ता माहीती नाही), 8) जगदिश पवार, रा. महाड, ता. महाड तसेच अनोळखी 12 ते 15 इसम थांबलेले होते. आम्ही सदरचे ठिकाणापासून निवासस्थानाकडे जात असताना त्यापैकी एका अनोळखी इसमाने त्याचे कंबरेजवळून एक पिस्टल काढले व मला तसेच भाउ विकास गोगावले याला जिये ठार नारण्याचे उद्देशाने तुमो में खत्म कर दूंगा असे म्हणुन आमचे दिशेने रोखुन फायर केला तेव्हा मी घाबरलो. परंतु त्यावेळी फायर झाला नाही उणुन आम्ही वाचलो. आमचे सोबत असलेले सर्व कार्यकर्ते हे त्या अनोळखी इसनाचे अंगावर धावत गेले व त्यास पकडले, त्यावेळी त्या आमचेवर हल्ला करणारे इसमाचे सोबत असणारे आमचे ओळखीचे 1) सुशांत गणेश जाबने, रा. टोळ बुद्रुक, ता. महाड, जि. रायगड हा त्याचे हातामध्ये हॉकिस्टिक घेवुन, 2) हनुमंत मोतिराम जगताप, रा. महाड, ता. महाड, 3) श्रीयश माणिक

जगताप, रा. महाड, ता. महाड हा हातामध्ये क्किरेकेट स्टम्प घेवुन, 4) निलेश गहाडीक मुळ रा. किजळोली, ता. महाड, सध्या रा. नांगलवाडी, ता. महाड हातामध्ये लाकडी काटी घेवुन, 5) धनंजय ऊर्फ बंटी देशमुख, रा. महाड, ता. महाड, 6) अमित शिगवण (पुर्ण नाव, पत्ता माहीती नाही), 7) व्यंकट डाला (पुर्ण नाव पत्ता माहीती नाही). 8) जगदिश पवार, रा. महाड, ता. महाड तसेच अनोळखी 12 ते 15 इसथ हे माझे व माझा भाउ विकास गोगावले तसेच आमचे कार्यकत्यांचे अंगावर धावुन आले. त्यावेळी त्यांचे हातामध्ये लाकडी लाटी, काटी तसेच हॉकीस्टिक होल्या. त्यावेळी सुशांत गणेश जाबरे यानें त्याचे हातामधील हॉकिस्टिक माझे डोक्यामध्ये मारली असता सदरची हॉकिस्टिक मी चुकविलेली आहे, त्याचवेळी सदर ठिकाणी पोलीस आले व त्यांनी दोन्ही गटातील लोकांना बाजुला केले. सदर ठिकाणी झालेल्या गोंधळाचा फायदा घेवुन ते आलेले सर्व लोध त्यांनी सोबत आणलेल्या गाड्या तेथेच सोडुन पळुन गेले. त्यावेळी आमचे कार्यकत्यांपैकी कोणीतरी अनोळखी इसमाचे हातामधुन काडुन घेतलेली पिस्टल माझा भाउ विकास गोगावले याचेकडे दिली. त्यावेळी आमचा कार्यकर्ता विजय मालुसरे याने आम्हाला सांगितले की, त्या सुशांत जाबरे याने सोबत आणलेल्या लोकांनी त्याचा गळा धरुन थांब तुझ्याकडे बघतो असे बोलुन गळ्यातील अडीच तोळ्याची सोन्याची चैन हिसकावून चोरून नेली आहे. त्यानंतर माझा भाउ विकास गोगावले याने त्याचेकडे असलेली आमचे कार्यकत्यांनी अनोळखी इसमाचे हातातुम काडुन घेतलेली पिस्टल पोलीस निरीक्षक श्री. तडयी यांचे शाब्यागस्ये दिलेली असुन तेथे असणारे आमचे कार्यकत्र्यांकडून मला समजले की, मला तसेच आमचे कार्यकत्यांना मारहाण करून जाणारे इतमांपैकी अन्य 04 अनोळखी इसमांची नावे 1) गोपाल सिंग, ज्याने आमचेवर पिस्टन रोखुन फायर केला १) गोपाल सिंग (पुर्ण नाव, पक्षा माहीती नाही) 2) मंजित सिंग अरोरा (पुर्ण नाव, पत्ता माहीती नाही), 3) मानिश पाल (पुर्ण नाव, पत्ता माहीती नाही), 4) समिर रेयाळे (पुर्ण नाव,

पत्ता माहीती नाही) अशी असल्याचे मला समजले आहे. तसेच त्यांनी सोबत आणलेल्या गाड्यांचे नंबर हे 1) इनोव्हा कार क्र. MH-04-EH-10982) MH-05-CV-1700 व 3) सॉरच्यूनर कार क्र. MH-02-FX-4100 असे आहेत.

तरी आज दि. 02/12/2025 रोजी दुपारी 01.30 वा. चे सुमारास मी तरोर भाउ विकास गोगावले या कार्यकर्ते विजय मालुसरे, सुशांत जाधव, प्रशांत कैदम, सुरज मालुसरे तसेच इतर 08110 कार्यकर्ते असे आम्ही मतदान केंद्रांना भेटी देवून माझे चुलते भरत गोगावले यांचे महाड येथील निवासस्थानी जात असताना 1) सुशांत गमोश जाबरे, रा. टोळ बुद्धक, ता. महाड, जि. रायगड याने त्याचे हातामध्ये हॉकिस्टिक घेवून, 2) हनुमंत मोतिराम जगताप, रा. महाड, ता. महाड, 3) श्रीयश माणिक जगताप, रा. महाड, ता. महाड याने त्याचे बाचे हातामध्ये क्रिकेट स्टम्प घेवून, 4) निलेश महाडीक मुळ रा. किंजकोली, ता. महाड, सध्या रा. नांगलवाऊं, ता. महाड याने हातामध्ये लाकडी काठी घेवून, 5) धनंजय ऊर्फ बंटी देशमुख, 6) अमित शिगवण (पूर्ण नाव, पत्ता माहीती नाही), 7) व्यंकट मंडाला (पूर्ण नाथ पत्ता माहीती नाही), 8) जगदिश पवार, रा. महाड, ता. महाड, 9) गोपाल सिंग (पूर्ण नाव, पत्ता माहीती नाही) याने पिस्टल घेवून, 10) मंजित सिंग अरोरा (पूर्ण नाव, पत्ता माहीती नाही), 11) मोनिश पाल (पूर्ण नाव, पत्ता माहीती नाही), 12) समिर रेवाळे (पूर्ण नाव, पत्ता माहीती नाही) तसेच अनोळखी 08 ते 10 अनोळखी बेसनांनी राजकिय वैमनस्यातून आमचा रस्ता आडवून घातक शस्त्रासह बेकायदेशीर जमाव जमवून दंगा करून आम्हाला जीवे ठार मारण्याचे उद्देशाने कट रघुन जमावातील इसम नामे गोपाल सिंग (पूर्ण नाव, पत्ता माहीती नाही) ६ याने तुम्हे मॅ खत्म कर दूंगा असे म्हणून त्याचेकडील पिस्टल आमचेकडे रोखून फायर करून आम्हाला जीवे ठार मारण्याचा प्रयत्न केलेला आहे. व अन्य इसमांनी हातामध्ये लाकडी लाटी, काठी तसेच हॉफीस्टिक घेवून

आम्हाला आमचे कार्यकर्त्यांना मारहाण केलेली आहे. तत्तेच आमचा कार्यकर्ता विजय मालुसरे याचे गळ्यातील अडीच तोळे वजनाची 02,50,000/- रुपये (दोन लाख पन्नास हजार रु) सोन्याची चैन हिसकावुन चोरुन नेली आहे म्हणुन माझी त्यांचे विरोधात तक्रार असुन मतदान प्रक्रिया संपलेनंतर मी समक्ष हजर राहुन तक्रार दिलेली आहे.

माझी वरील खबर संगणकावर टंकलिखित करलेली असुन ती मी याचुन पाहीली माझे सांगणे प्रमाणे बरोबर व खरी आहे.

English translation of the same reads as under :-

“I, Mahesh Nivrutti Gogawale, age – 39 years, occupation – Civil Contractor, residing at – Pimpalwadi, Taluka – Mahad, District – Raigad, Mobile No. - 7249805657, Aadhaar Card No. 935503453911, Email-id – mahesh@gmail.com, by personally remaining present, give First Information as under:

I am residing at the aforesaid address alongwith my family members and I carry on business of Civil Contractor in the Companies at MIDC, Mahad and maintain my family from the income received therefrom. My uncle Shri. Bharat Maruti Gogawale is the Hon'ble Sitting Minister of Government of Maharashtra and he has the charge of the Ministry of Horticulture and Development of Saline Lands. My cousin brother Vikas Bharat Gogawale is the Yuva Sena Core Committee Member of the Political Party Shivsena Party (Eknath Shinde Group), Maharashtra State and handles the charge of the said post.

Today on the date 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 and therefore, my cousin brother Vikas Gogawale and workers by names Vijay Malusare, Sushant Jadhav, Prashant Kadam, Suraj Malusare and I and other eight to ten workers, thus, all of us were paying visits to all Polling booths in Mahad City. 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 of Nationalist Congress Party (Ajit Pawar Group) by names 1) Sushant Ganesh Jabare, residing at – Tol Budruk, Taluka – Mahad, District – Raigad, 2) Hanumant Motiram Jagtap, residing at – Mahad, Taluka – Mahad, 3) Shriyash Manik Jagtap, residing at – Mahad, Taluka – Mahad, 4) Nilesh Mahadik, – hails from Kinjaloli, Taluka – Mahad, presently residing at – Nangal Wadi, Taluka – Mahad, 5) Dhananjay alias Bunty Deshmukh, residing at – Mahad, Taluka – Mahad, 6) Amit Shigwan (Full name and address not known), 7) Vyankat Mandala (Full name and address not known), 8) Jagdish Pawar, residing at - Mahad, Taluka – Mahad and also 12 to 15 unknown persons were waiting outside the said vehicles. While we were proceeding towards the residence by passing the said place, one unknown person 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. At that time, all the workers who were accompanying us, rushed to the person of the said unknown person and they caught hold of him. At that time, the persons by names 1) Sushant Ganesh Jabare, residing at – Tol Budruk, Taluka – Mahad,

District – Raigad, armed with hockey stick, 2) Hanumant Motiram Jagtap, residing at – Mahad, Taluka – Mahad, 3) Shriyash Manik Jagtap, residing at – Mahad, Taluka – Mahad, armed with cricket stump, 4) Nilesh Mahadik, hails from Kinjaloli, Taluka – Mahad, presently residing at – Nangal Wadi, Taluka – Mahad, armed with wooden stick, 5) Dhananjay alias Bunt Deshmukh, residing at – Mahad, Taluka – Mahad, 6) Amit Shigwan (Full name and address not known), 7) Vyankat Mandala (Full name and address not known), 8) Jagdish Pawar, residing at - Mahad, Taluka – Mahad and also 12 to 15 unknown persons to whom we were knowing and who were accompanying the person who attacked us, rushed to **myself and my cousin brother Vikas Gogawale and also to our workers. At that time, they were armed with wooden sticks, rods and hockey sticks. At that time, when Sushant Ganesh Jabare inflicted the hockey stick in his hands on my head, I missed the shot of the said hockey stick. At that time itself, the Police arrived at the said place and they separated the persons from both the groups.** Thereafter, by taking disadvantage of the commotion, all the said persons who had arrived there fled from the said spot by living the vehicles by which they had come, at that place itself. At that time, someone out of our workers who had taken the pistol from the said unknown person, handed over the same to my cousin brother Vikas Gogawale. At that time, our worker by name Vijay Malusare informed us that the persons who had accompanied the said Sushant Jabare caught hold of his neck and threatened: “Wait, I will see you” and by saying this, he snatched and stolen the gold chain weighing two-and-a-half tolas that he had worn around his neck. **Thereafter, my brother by name Vikas Gogawale has handed over to Shri Tadavi, Police Inspector, the pistol that was in his possession which our workers had snatched from the hands of the unknown person. I have learnt from our workers who were present there that, the**

names of other 04 unknown persons from out of the person who assaulted our workers and were fleeing away were (1) Gopal Singh, who aimed the pistol at us and fired bullet therefrom (full name and address not known), (2) Manjitsingh Arora (full name and address not known), (3) Monish Pal (full name and address not known) and (4) Samir Revale (full name and address not known). Further, numbers of the motor vehicles that they had brought were (1) INNOVA Motor Cars No. MH-04-EH-1098 (2) MH-05-CV-1700 AND (3) FOROTUNER Motor Car No. MH-02-FX-4100.

Thus, today, on the date 02.12.2025, in the afternoon, at or about 01:30 p.m., after paying visits to the Polling Booths, when I as well as my brother by name Vikas Gogavale and workers by names Vijay Malusare, Sushant Jadhav, Prashant Kadam, Suraj Malusare and also other 08 to 10 workers were going to the residence of my Uncle by name Bharat Gogavale at Mahad, (1) **Sushant Ganesh Jabre, residing at Tol Budruk, Taluka – Mahad, District – Raigad, armed with Hockey stick,** (2) **Hanumant Motiram Jagtap, residing at – Mahad, Taluka – Mahad,** (3) **Shriyash Manik Jagtap, residing at Mahad, Taluka – Mahad armed with a Cricket Stump,** (4) **Nilesh Mahadik, hails from Kinjloli, Taluka Mahad, presently residing at – Nangalwadi, Taluka – Mahad, armed with a wooden stick,** (5) **Dhananjay alias Bunt Deshmukh,** (6) **Amit Shigvan (full name and address not known),** (7) **Vyankat Mandala (full name and address not known),** (8) **Jagdish Pawar, residing at Mahad, Taluka – Mahad,** (9) **Gopal Singh (Full name and address not known), armed with a pistol,** (10) **Manjit Singh Arora (full name and address not known),** (11) **Monish Pal, (full name and address not known),** (12) **Samir Revale (full name and address not known) and other 08 to 10 unknown persons, on account of political enmity, made an**

unlawful assembly by holding deadly weapons, blocked our road, committed riot, hatched a plot and with an intention to kill us, the person by name Gopal Singh (full name and address not known) from out of the said unlawful assembly aimed at us the pistol that he was holding in his possession, threatened us saying, "I will kill you" and attempted to kill us. Similarly, other persons, by holding wooden sticks and Hockey Sticks, have assaulted us and also our workers. Similarly, those persons have snatched a gold chain, weighing two-and-a-half tolas, worth Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand) from the neck of our worker by name Vijay Malusare and therefore, I have a complaint against them and have lodged the same by remaining personally present after the Polling process has been completed.

My aforesaid Report is typewritten on a computer. I have read the same and the same is correct and true as stated by me.. ”

5. It is the submission of Mr. Parkar, learned Counsel appearing for the Applicants that the subject FIR is a totally false FIR and the same has been lodged as a counter blast to the FIR being C.R. No.178 of 2025 registered with Mahad City Police Station, District Raigad by one Sushant Jabare i.e. present Applicant No.1. He submits that the Applicants are not involved in the crime and therefore the Anticipatory Bail be granted.

6. On the other hand, Mr. Karmakar, learned APP submits that the incident in question has taken place when the prohibitory orders were in operation as the Election process of Mahad Municipal Council was going on, and the day on which the incident took place the voting was undergoing. He further submits that although, the First Informant -Mahesh Nivrutti Gogawale has not visited the concerned Police Station for giving further information, the Police have carried out the investigation where the involvement of the Applicants is seen. He submits that, there are eye witnesses to the incident and CCTV footage/video recording is also available and the involvement of the Applicants is seen. He submits that, thus, the Applicants are involved in the crime and therefore, the Anticipatory Bail Application be rejected.

7. Before considering the rival submissions it is necessary to set out the prosecution case. The same is as follows :-

- i. The First Informant – Mahesh Nivrutti Gogawale is the nephew of Shri Bharat Maruti Gogawale, Cabinet Minister of State of Maharashtra and the cousin brother of the First Informant -Vikas Bharat Gogawale i.e. the son of the Cabinet Minister of the State of Maharashtra.
- ii. On 2nd December 2025, there was voting from 7.00

a.m. to 5.30 p.m. for the post of Mayor and Corporator for Mahad Municipality and therefore, cousin brother of the First Informant -Vikas Gogawale and workers by names Vijay Malusare, Sushant Jadhav, Prashant Kadam, Suraj Malusare and the First Informant 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 all of them were proceeding towards the residence of the Minister at Mahad, the First Informant and others noticed that 03 four wheeler vehicles were parked adjacent to the road at Rohidas Nagar, Mahad and about 8 persons named in FIR and 12 to 15 unknown persons belonging to the Nationalist Congress Party (Ajit Pawar Group) were present.
- iv. While the First Informant and others were proceeding towards the Minister's residence by passing the said place, one unknown person took out one pistol from his waist and threatened by saying, "I will kill you" and with an intention to kill the First Informant and his cousin brother Vikas Gogawale, aimed the said pistol at them and fired. However, as the bullet did not get fired from the said pistol, they were saved.
- v. At that time, all the workers who were accompanying them, rushed to the unknown person and they caught hold of him.
- vi. At that time, 8 named persons in the FIR and also 12 to 15 unknown persons attacked them armed with wooden sticks, rods and hockey sticks.
- vii. Thereafter, by taking disadvantage of the commotion, all the said persons who had arrived there fled from the said spot by leaving the vehicles by which they had come, at that place

itself.

- viii. At that time, someone out of the workers who had taken the pistol from the said unknown person, handed over the same to Vikas Gogawale. Thereafter, Vikas Gogawale has handed over the same to Shri Tadavi, Police Inspector person.

8. Perusal of the record *prima facie* shows that the offence as disclosed in the FIR is very serious. The incident in question has taken place when the Election process of Mahad Municipal Council was undergoing. The incident in question has taken place on 02nd December 2025 when the voting was in progress. 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. The CCTV footage of the incident is available. There are eye witnesses to the incident. Thus, there is *prima facie* material against the Applicants.

9. 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

1 2025 SCC OnLine SC 1489

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 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.

10. 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.

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

² (1997) 7 SCC 187

³ (2022) 9 SCC 269

“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 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)

12. This is a case where the incident in question has taken place when the Election process of Mahad Municipal Council was under progress. The incident in question has taken place on the date of the voting. As set out herein above the crime as disclosed in the subject FIR is very serious. There are eye witnesses to the incident and CCTV footage of the incident is available. Thus, there is prima facie materials against the Applicant.

13. The Applicant No.2 -Hanumant Motiram Jagtap is the brother of Ex-MLA and other Applicants are very influential persons as they are belonging to political party which is a part of

the Government in State of Maharashtra. There is likelihood that the Applicants will tamper with the investigation.

14. 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. There is likelihood of tampering with the evidence.

15. Accordingly, no case is made out for grant of Anticipatory Bail Application. The Anticipatory Bail Application is dismissed.

(MADHAV J. JAMDAR, J.)