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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1335 OF 2015**

Jaggu @Jagdish Singh Labana and Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO.782 OF 2015
IN
ANTICIPATORY BAIL APPLICATION NO.1335 OF 2015**

Haresh Hiranand Rajwani	...Original Complainant (Intervener)
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IN THE MATTER BETWEEN

Jaggu @Jagdish Singh Labana and Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.K.S.Labana i/b Mr.Mohd. Umar Kazi for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

Mr.Dnyaneshwar J. Deshmukh, for the Intervener/Orig.Complainant.

PSI – R.K.Pandav, Ulhasnagar Police Station, Thane.

***CORAM : REVATI MOHITE DERE, J.
DATE : 11th SEPTEMBER, 2015.***

P.C. :

1. Heard learned Counsel for the applicants, learned counsel for

the original complainant and the learned A.P.P.

2. By this application, the applicants seeks pre-arrest bail in connection with C.R. No.133 of 2015 registered with the Ulhasnagar Police Station, Thane, for the alleged offences punishable under Sections 143, 149, 379, 427, 448, 451 and 504 of the Indian Penal Code. Subsequently, on 23th July, 2015, sections 420, 467 and 468 came to be added.

3. The complaint/FIR has been lodged by one Haresh Hiranand Rajwani. According to the complainant on 22nd May, 2013, when his nephew – Yogesh was passing through Sonar Galli at 11.00 p.m., he saw that there was no wall and door on the complainant's property and that a new wall and shutters were constructed. On the next day i.e. on 23rd May, 2013, Yogesh enquired with the complainant, whether Unit Nos. 136 and 137, were sold, to which he replied in the negative. The complainant on learning from Yogesh that a new wall was built and new shutters were put in the property, went to the said place, along with Yogesh, Brother – Dilip, Sunil and Anil. When they reached the spot, they saw 6 - 8 persons doing construction work and 3 to 4 persons standing there. He identified the

persons standing to be Gyani Sardar, Vikram Chavan, Sumit Labana and Tillu Ahuja. According to the complainant, the aforesaid four persons were standing when the construction of the wall was going on and on questioning them, the present two applicants came out from behind the shutter. According to the complainant, when he disclosed to Ranjit Singh Labana i.e. the applicant no.2 that they are the owners of the said premises and asked why they were constructing there, it is alleged that the applicants and others who were present there, abused the complainant and threatened them with dire consequences.

4. Learned Counsel for the Applicants states that out of four accused, Vikram Chavan and Tillu Ahuja have been granted pre-arrest bail. He submits that there are no allegations of assault qua the present applicants. According to the learned counsel, the applicants had no concern with the premises. He submitted that it is not even the prosecution's case, that the present applicants had allegedly forged and fabricated the agreement/document pertaining to the complainant's property.

5. Leaned APP opposed the present application. She submits that although the applicants are not alleged to have forged and fabricated the documents, the applicants had threatened the complainant with dire consequences.

6. Leaned Counsel for the Intervener – original complainant, supports the submissions advanced by the learned APP. Both of them contend that the applicants have antecedents, inasmuch as, the applicant no.1 has 10 cases and applicant no.2 has three cases registered as against them. Learned Counsel for the applicants states that as far as applicant no.1 is concerned, out of 10 cases, in six cases he has been acquitted and so far as applicant no.2 is concerned, out of the three cases, in two cases he has been acquitted. No doubt, it appears that the applicants have antecedents, however, considering the allegations qua the applicants in the present case, the same can be taken care of, by imposing stringent conditions on the applicants.

7. Perused the papers. It is not the prosecution's case that the applicants forged and fabricated any document relating to the property.

The allegation of threat is against all the accused. Considering the nature of allegations qua the present applicants and the material on record, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall attend the concerned Police Station on every Monday and Thursday between 10.00 a.m., to 11.00 a.m., till the filing of the charge-sheet and thereafter on the first Saturday of every month between 10.00 a.m., to 11.00 a.m, till the conclusion of the trial;

(iii) The applicants shall surrender their passport, if any, to the concerned Police Station ;

8. The Application is allowed in the aforesaid terms and is

accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. In view of the disposal of the Anticipatory Bail Application No.1335 of 2015, the Intervention Application being Criminal Application No.782 of 2015 does not survive and the same is also disposed of.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

*Certified to be true and correct copy of the original signed
Judgment/order.*