

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.242 OF 2017

Boxer @ Gurudeepsingh Labana ..Applicant.
vs.
The State of Maharashtra ..Respondent.

Mr. Gansh Gole for the Applicant.
Mr.Ajay Patil, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 20th April, 2017

P.C.

1) The applicant is apprehending arrest in CR No. I-17-2017 dated 13.1.2017 registered with Ulhasnagar Police Station, Thane under Section 397 of the Indian Penal Code and Section 37(1) read with 135 of the Bombay Police Act.

2) Heard the learned counsel for the applicant and the learned APP for the State and perused the record of the investigation of present crime.

3) The first information report is lodged by Saif Masum Sayed. It is the allegation against the applicant that the applicant gave dash to the motor cycle of the first informant and thereafter initially abused him in filthy language and subsequently assaulted him. The applicant was holding knife and threatened the first informant with dire consequences. At that time the friends of the applicant came at the spot and tried to pacify the quarrel. That, the applicant gave three fights on the face of the witness

Aslam. The applicant thereafter assaulted Aslam by the said knife on his head. When witness Ajju tried to rescue the informant, the applicant also assaulted with the same knife. That the applicant also snatched gold chain from the person and Rs.20,000/- from the pocket of the first informant. In the premise, the first information is lodged.

The record reveals that there is a cross (4 complaint lodged by the friend of the applicant arising out of the same fight bearing CR No.16/2017. It is to be noted here that the version of the complainant is duly corroborated by the medical certificates issued in favour of Aslam and Ajju. It is further to be noted here that the applicant is also involved in six other crimes prior to the commission of the present crime. The record further reveals that when the applicant was on bail in the said crimes, has committed the present crime. It is pertinent to note that in the present application interim relief was granted to the applicant by an order dated 8.2.2017 and as per the record the applicant has further committed an offence bearing CR No.70/2017 dated 7.3.2017 under Section 143,147,148.149, 324,325,326 of the I.P.C., and under Section 4(25) of the Arms Act, registered with the Ulhasnagar Police Station. Thus, it is clear that apart from the clear and specific role of the applicant in the present crime the applicant is also involved in six other crimes prior to the present crime and after grant of interim relief in the present application has further committed the aforestated

offence. According to me the the applicant is not entitled for the discretionary relief of pre arrest bail on this count .alone

5) After taking into consideration the serious allegations against the applicant, gravity of the offence and the antecedents at the discredit of the applicant, this Court is of the view that the applicant does not deserve to be granted pre- arrest ball. Application is accordingly rejected.

(A.S.GADKARI, J.)