

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1561 OF 2017

1. Ranjeetsingh Budharsingh Labana .Applicants
2. Gurmeetsingh Dilipsingh Labana
3. Santoksingh Rajusingh Khemari

Vs.

The State of Maharashtra .Respondent

Mr. C. Pendse i/b. Mr.B.D.Shinde, Advocate, for the Applicants
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.I-157 of 2017 registered with the Hill Line Police Station, Thane, for the alleged offences punishable under Sections 307, 324, 147, 148, 149, 427 of the Indian Penal Code; sections 3, 25 of the Arms Act and under Sections 37(1)(3)135 of the Maharashtra Police Act.

3. Learned counsel for the Applicants submits that the

allegations as against the Applicants are false and baseless. He submitted that there is a CCTV footage which shows that the allegations are baseless. He submitted that the Applicant No.1 was, in fact, assaulted by the Complainant and others and that the Applicant No.1 is paralysed. He relied on the Injury Certificate which is on page No.42 of the Application. He submitted that as far as the Applicant No.2 is concerned, no overt act is attributed to him, although he is alleged to have been armed with a stick. As far as the Applicant No.3 is concerned, he submitted that he is alleged to have been armed with a sword, however, the CCTV footage does not show that the Applicant No.3 was armed with the sword.

4. Learned APP does not dispute the fact, that the condition of the Applicant No.1 is critical and he is in the hospital. She submits that there is nothing in CCTV footage to show that the Applicant No.1 was also armed with a revolver nor does it show that the Applicant No.3 was armed with the sword. She submitted that no overt act has been attributed to the Applicant No.2.

5. Perused the papers. The incident has taken place on 10.06.2017 at about 9.30 p.m.. With regard to the said incident, there are

cross cases filed by both the sides. Although, it is alleged that the Applicant No.1 assaulted the Complainant with the butt of the revolver on his head, it appears that CCTV footage does not support the same. It also appears that no overt act has been attributed to the Applicant No.2 nor does the CCTV footage show that the Applicant No.3 was armed with the sword. It also appears that the Applicant No.1 has suffered serious injuries and that he is paralysed below the waist and is presently in hospital.

6. Considering the nature of allegations and the role of the Applicants, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.10,000/- each** with one or two sureties in the like amount;

(ii) The Applicant Nos.2 & 3 shall report to the investigating officer of the concerned police station on **19th & 20th September, 2017** between **10.00 a.m. to 12.00 noon** and thereafter, as & when called for till the filing of the charge-sheet;

(iii) The Applicants shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)