

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2148 OF 2017

Vickram Balbir Singh Labana

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. K. S. Labana, Advocate, for the Applicant

Mr. R. M. Pethe, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 11.12.2017

P.C.

. The Applicant is apprehending arrest in CR No. 156 of 2017 dated 11.06.2017 registered with Hill Line Police Station, Thane under Sections 307, 326, 324, 147, 148, 149, 114 of the Indian Penal Code, under Section 37(1)(3), 135 of the Bombay Police Act, under Sections 4, 25 of the Arms Act and under Section 184 of the Motor Vehicle Act.

2. Heard the learned counsel for the Applicant and the learned APP for State. Perused the entire charge-sheet.

3. The first information report is lodged by Shri Ranjitsingh Budharsingh Labana. It is stated that due to the obstruction caused by co-accused Manusingh on road by placing a handcart for sale of eatables, there was enmity between the first informant and co-accused –

Manusingh. That on the date of incident at about 8.00 a.m., co-accused – Manusingh was driving a Scorpio Jeep vehicle. That the Applicant alongwith other accused persons was sitting inside the said vehicle. That co-accused – Manusingh after noticing the first informant and his family members increased the speed of the said vehicle and rammed it in the assembly of the family members of the first informant. That the first informant and other witnesses got injured because of the same. It is stated that the Applicant, thereafter, alighted from the said vehicle with a sword in his hand. That co-accused – Manusingh increased the speed of vehicle and caused danger to the property and injured other witnesses. It is alleged that the Applicant alongwith other 3-4 accused persons created terror in the said area by flashing sword to the public at large. In the premise, the first information report is lodged.

. The record indicates that after completion of investigation, police have submitted charge-sheet.

4. The learned counsel for the Applicant submitted that the Applicant is Vickram Balbir Singh Labana and his nick name is not Vicky. He submitted that the Applicant is different person than Vicky who has been named by an injured witness as a person who assaulted the said victim with a sword. He submitted that during the course of investigation, police did not seek presence of the Applicant and

therefore, his custodial interrogation is not necessary. He, therefore, prayed that the Applicant may be released on bail.

5. It is to be noted here that though prima facie, it appears that no overt act has been attributed to the Applicant by the first informant in the report, an injured witness namely Buntysingh Labana has categorically stated that when the principal accused Manusingh was instigating co-accused including the Applicant to kill the first informant, the present Applicant assaulted the said witness with a sword on his left hand palm. The Medical Certificate issued by the Medical officer, Central Hospital, Ulhasnagar duly corroborates the said version. Thus, the complicity of the Applicant in the present crime is apparent. Apart from the said fact, it is submitted that since the date of commission of the offence, the Applicant is absconding and was not traceable to the investigating agency.

6. In view thereof and after taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)