

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1226 of 2017

Balbir Sukhu Singh Labana ...Applicant

Vs.

State of Maharashtra & anr. ...Respondents

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Mr. Mohd. Umar Z. Kazi i/by Mr. K.S. Labana for applicant.

Mr. B.D. Shinde for original complainant.

Mr. A.A. Palkar, APP for State.

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CORAM : M.S.KARNIK, J.

DATE : 27th FEBRUARY, 2018.

P.C.:-

Heard learned Counsel for the applicant.

2. This is an application for anticipatory bail in C.R.No.I-156/2017 registered with Hill Line Police Station, Ulhasnagar, District Thane. The offences are registered under Section 307, 326, 324, 147, 148, 149, 114 of the Indian Penal

Code and under Section 37 (1) (3) and 135 of Bombay Police Act and under Section 4 and 24 of the Indian Arms Act.

3. The prosecution case is that the complainant was brutally assaulted by around 11 accused on the date of the incident. In so far as the applicant is concerned, it is alleged that he has participated in the crime and gave fist blows to the complainant. There is a cross case registered with the same police station being C.R.No.I-157 of 2017 by the brother of the applicant. The said cross case is registered under Section 307, 324, 147, 148, 149 and 427 of the Indian Penal Code and under Section 3 and 25 of the Indian Arms Act and under Section Section 37 (1) (3) and 135 of Bombay Police Act. The complainant Mansingh Labana who is the brother of the applicant has also sustained injuries.

4. Learned Counsel for the applicant submitted that the applicant is falsely implicated in this case being 'Mukhiya' of the community. It is submitted that no role of assault by weapon is

assigned to the applicant. It is the cross case in which the applicant's brother is assaulted. The co-accused have been arrested and there is recovery of weapon at their instance.

5. Pursuant to the order dated 31st July, 2017 passed by this Court the applicant has attended Hill Line Police Station, Ulhasnagar, District Thane and co-operated with the investigation. Learned APP also confirms that he has attended the police station and co-operated with the investigation. Custodial interrogation is not necessary in this case.

6. In this view of the matter I am inclined to pass the following order :-

ORDER

i. In the event of the arrest of the applicant in connection with C.R.No.I-156/2017 registered with Hill Line Police Station, Ulhasnagar, District Thane, the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties of the like amount.

ii. The applicant shall report to the police station and as
and when called for.

7. The application is allowed in the above terms.

(M.S.KARNIK, J.)