

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

ANTICIPATORY BAIL APPLICATION NO.1390 OF 2017

Dilip Singh Sukh Singh Labana ... Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1555 OF 2017**

Karnal Arjan Singh Labana & Anr. ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Manoj Badgujar for the Applicant in ABA/1390/2017.
Mr. K.S. Labana, Applicant present in person in ABA/1555/2017.
Mr. S.S. Hulke, APP for the Respondent - State.

CORAM : A.S.GADKARI, J.

DATE : 15th JANUARY 2018

P.C.:

1. The applicants are apprehending arrest in CR No.I-156/2017 registered with Hill Line Police Station, Ulhasnagar under Sections 307, 326, 324, 147, 148, 149, 114 of the Indian Penal Code.

2. Heard the learned Counsel for the respective applicants and the learned APP. Perused the record of investigation.

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.

4. It is alleged that the applicants were present at the scene of offence with deadly weapons in their hands such as swords and iron rods

and at the instigation co accused namely Manu Singh and Rautaksing they actively participated in the present crime. It is further alleged that the applicants alongwith other accused persons created reign of terror in the said area by flashing swords to the public at large. In the premise, the first information report is lodged.

5. The learned Counsel appearing for the applicants submitted that the applicants neither took any active part in the present crime, nor any overt act of assault is attributed to them. He further submitted that the first information report does not speak about any weapon was being used by the applicants in the said crime. The learned Counsel for the applicants further submitted that there is a cross complaint filed by the relatives of the applicants against the persons from the group of first informant in the present crime. He further submitted that the co-accused Vikram Labana and Mansingh Labana have already been arrested by the police and recovery of all weapons is effected at their instance. He further submitted that the police have already submitted charge-sheet qua other accused-persons and therefore the custodial interrogation of the applicants is not necessary. The learned Counsel for the applicants

submitted that the applicants may be granted pre-arrest bail.

6. A bare perusal of the first information report and other statements would clearly indicate that the applicants were present at the scene of offence alongwith respective weapons in their hands and were also part of unlawful assembly alongwith principal-accused Manusingh Labana and Vikram Labana. It further reveals from the record that at the instigation of principal-accused Ranjeet Singh and Manu Singh, the applicants have actively participated in the present crime. As per the record, there are about 10 persons who are injured in the said attack by the applicants and co-accused with deadly weapons. The injury certificates of the said 10 injured witnesses on record prima-facie duly corroborate the version of the first informant and other witnesses.

7. In view of the above and after taking into consideration the serious allegations against the applicants and gravity of the offence, this Court is of the view that the applicants do not deserve to be protected by pre arrest bail.

8. Applications are accordingly rejected.

(a) At this stage, the learned Counsel for the applicants submitted that

the interim relief which is running in favour of the applicants may be extended for a period of two weeks from today.

For the reasons stated herein-above and after taking into consideration the serious allegations against the applicants, the said prayer is rejected.

(A.S.GADKARI, J.)