

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 835 OF 2018**

Prakashchandra Amurutlal Agarbatiwala & Ors.Applicants.

Vs.

The State of Maharashtra & Anr.Respondents.

Mr. Girish Kulkarni I/by Shailesh Kantharia for the Applicants.

Ms. Rutuja Ambekar APP, for the Respondent-State.

Mr. Ashwin Shete a/w Mr. Abhay Dhadiwal and Mr. D. Jagirdar I/by Jayakar & Partners for the Respondent No.2.

CORAM : A. S. GADKARI, J.

DATE : 8th AUGUST, 2018.

P.C.:-

The Applicants were granted interim relief by an Order dated 24th April 2018 and were directed to attend the Investigating Officer on stipulated dates.

2 Heard the learned counsel for the Applicants, the learned counsel for the Respondent No.2 and the learned APP. Perused the record of investigation.

3 A bare perusal of the first information report would indicate that, the Application under Sections 385 and 387 of the Indian Penal Code in the present crime is misplaced.

As far as Section 324 of the Indian Penal Code is

concerned, the said allegation is against unknown person and even otherwise, the injury suffered by the first informant is a blunt trauma/swelling to his left forearm and the Medical Officer has opined it as a simple injury.

4 It appears from the record that there is an enmity between the first informant and the Applicants herein, over the business transaction. The record further indicates that, in pursuance to Order dated 24th April 2018, the Applicants have attended the Investigating Officer and joined the process of investigation.

5 After taking into consideration the peculiar facts of the present case, this Court is of the considered view that the custodial interrogation of the Applicants in the present crime is not necessary.

6 Interim relief granted by Order dated 24th April 2018 is hereby confirmed. However, the condition to attend the Investigating Officer of the concerned police station is waived.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

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Mashalkar**

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