

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

**CRIMINAL BAIL APPLICATION NO. 107 OF 2020**

Aknush Anilbhai Agarwal

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Rajendra R. Mishra, Advocate for the Applicant.

Mr .Y. M. Nakhwa, APP for the Respondent – State.

Mr. Anand Bhagat, PSI, Kashimera Police Station, Present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 16<sup>th</sup> MARCH, 2020**

**PC :**

1. The applicant is seeking bail in C.R. No. I-329 of 2019 registered with Kashimera Police Station, Thane Rural for offences punishable under Sections 364 (A) 365, 394, 326, 325, 323, r/w Section 34 of Indian Penal Code. The applicant was arrested on 31<sup>st</sup> July, 2019.

2. The case of the prosecution is that the complainants husband and the accused No.1 had business relations. The complainants husband is in business of sand transportation. Accused No.1 had called the injured for discussing business transaction. When the victim went to meet them the accused abducted him. He was made to sit in jeep and he was taken to another place where he was beaten

by fist and kick blows & wooden log. The accused also took away the cash of Rs. 60,000/-, Pan Card and Aadhar Card of the victim. The statement of the victim was recorded on 29<sup>th</sup> June, 2019. Prior to that he was not in a position to make statement on account of injury sustained by him. Statement of eye witnesses were recorded. On completing investigation, charge-sheet is filed. The co-accused Amit Agrawal is granted bail by this Court by order dated 18<sup>th</sup> December, 2019 whereas the other accused Mubarakali Khan released on bail by Sessions Court. The dispute is apparently between accused No.1 Amit Agrawal, Mubarakali Khan and Injured. It is alleged that the co-accused had assaulted the victim by fist and kick blows whereas unknown persons had assaulted the injured by wooden log. The statement of injured and other eye witnesses referred to assault by unknown person with wooden log. It is alleged that the applicant is driver of the vehicle and involved in assaulting the injured by wooden log. However, there is no Test Identification Parade to establish the identity of the applicant as one of the assailants. The main accused with whom, there was alleged business rivalry was arrested and granted bail by this Court vide order dated 18<sup>th</sup> December, 2019 passed in Criminal Bail Application No. 3168 of 2019. In these circumstance, case for grant of bail is made out.

**ORDER**

- i) Bail Application No. 107 of 2020 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. I-329 of 2019 registered with Kashimera Police Station, Thane Rural on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall furnish the details of his residential address as well as permanent address and mobile number to the Investigating Officer after he is released on bail.
- iv) The applicant shall not tamper with the evidence or not attempt to influence or contact complainant, witnesses or any other concerned person.
- v) Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**