

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1752 OF 2016

Satyendra Sharadchanda Karandikar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Harshad Sathe, advocate for Applicant.

Mr. Prashant Jadhav, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 22, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 229 of 2016 registered at Khadki Police Station for the
offence punishable under section 406, 420 of the Indian Penal Code.

3 The applicant herein is the distributor/dealer of Kawasaki Motors Pvt. Ltd. and has showroom at Wakadewadi, Pune.

4 It is the case of the prosecution that one Pranit Suryakant Gunavat lodged a report at the police station alleging therein that he had been to S.N. K. dealers i.e. showroom of the present applicant as he wanted to purchase Kawasaki vehicle. That he had borrowed the loan from State Bank of India to the tune of Rs. 7,50,000/-. According to the complainant, he had deposited the entire consideration of Rs. 13,95,297/- and yet had not received vehicle from the dealer.

5 The learned Counsel for the applicant submits that there was a notification of the Regional Transport Office in respect of escalation of taxes on the vehicle having capacity of more than 99 C.C. and that the cost of the Kawasaki vehicle would be escalated by almost Rs. 1,12,000/- and before delivery of the vehicle, the dealer would have to pay the same in the absence of purchaser paying fees. Hence, there

was some dispute between the customer and the dealer. According to the learned Counsel for the applicant, the complainant, who was the customer was not willing to pay escalated taxes and hence, has not received the vehicle.

6 It is also brought to the notice of this Court that as on today, the vehicle is given to the complainant and bears registration No. MH 14 FV 4590 and is registered on 25/10/2016. It appears that there was some dispute between the company and the present applicant and now dealership of the applicant has been cancelled due to criminal prosecution and other complaints. It is also submitted that the other persons, who were about to file similar complaint, have received vehicles directly from the company. In view of this, applicant deserves pre-arrest bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The

learned Sessions Judge shall not be influenced by the same at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 229/16, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called by the Investigating Officer and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not tamper with the evidence.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)