

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2553 OF 2017

ABHISHEK PIYUSH SHAH

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Rishi Bhuta a/w. Mr.Ram Mani Upadhyay and Mr.Kamlesh Jain,
Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.234 of 2017 registered with Santacruz Police Station, for offences punishable under Sections 420, 336 and 506 of the Indian Penal Code (IPC), by this application, is seeking his release on bail.

2 Heard the learned advocate for the applicant/accused as well as the learned APP appearing for the State. The learned APP opposed the application by contending that a depreciated car

came to be sold to the First Informant by the applicant/accused by misrepresenting her to a good car. Therefore, as the applicant/accused had cheated the First Informant, as reflected from the First Information Report (FIR) as well as the documentary evidence collected by the Investigator, the applicant/accused is not entitled to be released on bail.

3 I have carefully considered the rival submissions and also perused the FIR as well as relevant documents. The crime in question is registered on the basis of the report lodged by Poonam Verma. She averred that upon perusal of the advertisement on internet site OLX.com, her brother Vikram had decided to purchase a car of Ertiga model manufactured by Maruti Suzuki Company for a consideration of Rs.8.42 lakh. The FIR itself reveals that the present applicant/accused had shown the car which he proposed to sell to the members of the prosecuting party. The FIR avers that after purchase of the car it was found that the car had earlier met with an accident and it contained duplicate spare parts. With this, it is averred that, the present

applicant/accused had cheated the prosecuting party by selling a depreciated car to them.

4 Prima facie, it appears to be a civil transaction. It is basic principle of law that the buyer should be aware while purchasing the material and it is commonly known as caveat emptor.

5 The applicant/accused is now in judicial custody. Considering the nature of offence, his further detention is not warranted. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.234 of 2017 registered with Santacruz Police Station, for offences punishable under Sections 420, 336 and 506 of the IPC, is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- iii) The application is accordingly disposed of.

(A. M. BADAR, J.)