

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

ANTICIPATORY BAIL APPLICATION NO.1795 OF 2019

Pravin Thaksen Dhawale Applicant

versus

The State of Maharashtra Respondent

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- Mr. Mohan B. Jadhav a/w. Vaibhav R. Gargade, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.
- Mr. Ghadge R. M., PSI, Yawat Police Station, Pune Rural present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th AUGUST, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.625/2019 registered with Yawat Police Station, under Section 420 of IPC.

2. The FIR is lodged by one Pandit Bhosale on 17/7/2019. He has stated that the applicant has a shop by name Blue Water at Yawat. The informant wanted to purchase a water purifier machine from him. About eight days prior to 13/6/2019,

the informant had agreed to purchase and the applicant had agreed to sale a water purifier machine of Blue Crest company to the informant for Rs.1,63,700/-. The informant had paid Rs.51,000/- as first payment. On 13/6/2019, the applicant fixed water purifier machine of another company namely DOW 4040. According to the informant, it was of inferior quality. The informant paid remaining amount of Rs.1,12,700/-. The machine stopped working from the next day onwards. It is further alleged in the FIR that the informant went to the applicant's shop and took him to Kashti. The applicant did not repair the machine. The informant's allegations are that the applicant cheated him by providing an inferior quality machine and caused losses to him. On this basis, the FIR is lodged.

3. Heard Mr. Mohan Jadhav, Ld. Counsel for the Applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Jadhav submitted that prior to lodging of this FIR by the informant against him, the applicant himself had lodged his own FIR on 16/6/2019 at the same police station vide C.R.

No.547/2019 under Sections 363, 327, 504, 506, 323, 143, 147 r/w. 149 of IPC. The applicant was forcibly taken by the informant Pandit Bhosale on 16/6/2019 to Kashti. Four boxes of machinery were also forcibly taken. Thereafter, the applicant was left at Shrigonda Police Station. Two of the boxes were retained and two boxes were returned to the applicant. On this basis, the applicant himself had lodged his FIR. He submitted that after five days, the complaint was lodged by first informant Pandit Bhosale at Shivgonda Police Station which was transferred to Yawat Police Station on 17/7/2019. The Ld. Counsel for the applicant submitted that as a counter blast and to save himself the informant Pandit Bhosale had lodged a false FIR against the present applicant. He further submitted that the informant Pandit Bhosale had accepted the water purifier machine of different company i.e. DOW 4040 on 13/6/2019 itself. It is evident from the receipt signed by the informant Pandit Bhosale. A copy of the same is annexed to the application at page 16-A.

5. Ld. APP submitted that the allegations in the FIR are in respect of cheating committed by the present applicant. Therefore, his custodial interrogation is necessary.

6. I have considered these submission. Ld. Counsel has rightly pointed out that the applicant was forcibly taken by the informant Pandit Bhosale to Kashti on 16/6/2019. The dispute essentially appears to be in respect of the working of the machine provided by the applicant. The first informant had accepted that machine which is clear from the receipt signed by the first informant himself. The FIR also mentions that the informant Pandit Bhosale was aware that the machinery was of DOW 4040. The dispute arose because the machine stopped functioning on the next day. All this happened within 3 to 4 days. It is not the informant's case that the applicant had not provided with any machine. Even if there was possibly deficiency in the service, it appears to be a consumer dispute. At this stage, it does not appear that any criminal offence is committed. In this view of the matter, custodial interrogation of the applicant is not necessary. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.625/2019 registered with Yawat Police Station, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.
- (ii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)