



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 888 OF 2024 WITH
CRIMINAL APPLICATION NO. 3014 OF 2024
IN ABA/888/2024

Rohit @ Rohish Kamalnayan SablokApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. Joydeep Chatterji Joydeep, Advocate for Applicant.

Mr. S. B. Narwade, APP for the State.

Mr.H. V. Tungar, Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 3rd OCTOBER, 2024.

PER COURT :

1. At the outset, Criminal Application No. 3014/2024 is allowed. Learned counsel Mr. Tugnar is allowed to assist learned APP.

2. Heard. Perusal of the First Information Report indicates that he informant has a grievance in respect of faulty vehicle which was sold to him by the present Applicant who is the dealer of M/s Mahindra and Mahindra. As per the contention in the First Information Report, on 31.10.2016, a Scorpio jeep was sold by the Applicant. In short time, defect was found in the vehicle. On

15.06.2017, the said vehicle also caught fire. The entire vehicle was turned into ashes. It is the allegation of complainant that the faulty vehicle is sold to him and that the complaint made by him in respect of the same was not duly attended nor he was given any alternate vehicle.

3. Learned counsel for Applicant submits that even if the contention in the First Information Report is accepted as it is, no offence punishable under Section 420 gets attracted.

4. Learned APP opposed the Application. Learned counsel or the informant vehemently opposed the Application by contending that in a short period of time a fault was found in the vehicle. It is his submission that the record maintained by the Applicant indicates that the said fault was brought to the notice of the Applicant however, the same was not attended properly. It is his submission that the vehicle caught fire subsequently.

5. If contention of the informant as stated in the First Information Report is accepted, a question arises as to whether any offence under Section 420 of the Indian Penal Code gets attracted. At

the most, the informant may make out a case for seeking damages. In this regard, it is informed to this Court that the informant had already filed a proceeding before the Consumer Redressal Forum wherein order is passed in his favour.

6. Suffice it to say that acceptance of First Information Report as itself also does not indicate the essential ingredients of offence punishable under Section 420 of the Indian Penal Code. Needless to say that this is not a case wherein custodial interrogation of the Applicant is necessary. Hence, Application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb