

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.741 OF 2023

**NAVDEEPSINGH MAKHANSINGH DUSAJ
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Mukul S. Kulkarni, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 14th JULY, 2023

P.C. :-

1. At the outset learned counsel for the applicant states that the survey No. 323 recorded in order dated 27th June, 2023 is incorrect which should be 322. The order be corrected accordingly.
2. Applicant apprehends arrest in connection with Crime No. 82/2023 registered with Azadnagar Police Station, District Dhule for the offences punishable under Sections 379, 504 of IPC.
3. Informant Kulwatsing reported to the police that he along with his brother Makhansing purchased the property city survey No. 322 and at that place Makhansing was conducting a garage and the informant had hotel in the name in style Khasla Panjab Hotel. The said Makhansing died 13 years before and thereafter the garage is being looked after by the present applicant. It is alleged that on 15/03/2023 he received information on the mobile phone that his hotel premises is not seen at

the spot. He, therefore, lodged report against the present applicant for committing theft of the shed of the hotel and articles kept therein.

4. Learned counsel for the applicant states that there are disputes between the parties over the property and that the information is nothing but a pressurizing tactics against him. It is also contended that the information about the said alleged incident which received by the informant on 15/03/2023 whereas the report is lodged belatedly on 21st March, 2023. This according to him creates serious doubt about the genuineness of the first information report. It is also pointed out that there is documentary evidence on record to show that the hotel of the informant as per the license issued by the concerned authority is situated in some other property and not in survey No. 322 as alleged by the informant.

5. Learned APP opposed the application by contending that the first informant has made supplementary statement to the effect that the address given on the license is wrongly recorded and that since there was no need arose for him to correct it, it was not done. The reference is also made to the statements of the employees of the hotel and one of the employee of the applicant who is work in the garage.

6. It appears from the record that there are disputes between the parties with regard to and in respect of the property in question. The

applicant is son of Makhansing in whose name the survey No. 322 was purchased. To substantiate this fact sale deed is placed on record. In the statement of one of the witness it is clear that Makhansing had purchased the said property and hotel was being run by both of them. His statement further indicates that there used to occur disputes between the informant and present applicant over the said property. In the light of these facts the lodging of the report belatedly without satisfactory explanation creates doubt about the genuineness thereof. The documents on record indicates that the hotel belonging to the informant is situated on different property than survey No. 322. The supplementary statement appears to have been recorded after the defence has been taken by the present applicant in this regard and hence such claim of informant cannot be entertained at this stage. The applicant's liberty was protected and pursuance to the directions of this Court he had attended the concerned police station. There is nothing on record to indicate that there is abuse of the liberty granted to the applicant. Further direction to him to attend the concerned police station as and when till filing of the charge-sheet will be sufficient for appropriate investigation in to the crime. Hence application is allowed in terms of interim order dated 9th May, 2023.

(R. M. JOSHI, J.)

ssp