

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

ANTICIPATORY BAIL APPLICATION NO.1669 OF 2023

YUVRAJ LAXMAN MAHAGADE  
VERSUS  
THE STATE OF MAHARASHTRA

Mr. V. B. Kulkarni, Advocate for the applicant  
Mr. S. B. Jadhav, APP for the respondent/State

**CORAM : R. M. JOSHI, J.**

**DATE : 4<sup>th</sup> DECEMBER, 2023**

**P.C. :-**

1. Applicant apprehends arrest in connection with Crime No. 225/2023 registered with Ardhapur Police Station, Dist. Ardhapur for the offence punishable under Section 379 of IPC.
2. First informant- Aamru Pawar reported to the police that on 05/07/2023 in the night he had been to his agricultural field and slept there. While he was sleeping he could see one person in front of his hut. Since it was night time and as scared he slept without paying attention to him. On the next day he was found that electric water motor was stolen. Thereafter he called Anil, Raosaheb and Rangrao and at that time Raosaheb told him about he having seen present applicant going to the agricultural field. On that basis he suspect that the applicant has stolen the electric motor.
3. Learned counsel for the applicant submits that the applicant is the

same village is residing. Hence it is not probable that though the applicant was seen by the informant, he did not recognize him. It is his submission that at the instance of alleged witness the applicant is falsely implicated in this crime.

4. Learned APP opposed the application essentially relying upon the statement of Raosaheb Rathod. According to him his statement is sufficient to show that it was the applicant who had been to the agricultural field of the informant wherein he kept of motor is committed.

5. There is no dispute about the fact the applicant is resident of village wherein the informant also residing. There is substance in the contention of the learned counsel for the applicant that if the applicant was seen by the informant in the night, he could have recognized him. As far as the statement of Raosaheb is concerned, it is as vague as possible. He does not claim that at what time he has seen the applicant going to the agricultural field. The report seems to have been lodged on the basis of suspicion. Hence, application is allowed in terms of interim order dated 10<sup>th</sup> October, 2023. Applicant be treated in the custody of the police for the purpose of recovery if any.

**(R. M. JOSHI, J.)**

ssp