

GAHC010023012023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/350/2023

ALTAP HUSSAIN
S/O- SUKUR ALI, R/O- VILL. AND P.O. BHERALDI, P.S. AND DIST. BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A GONI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22-02-2023

Heard Mr. A. Goni, learned counsel for the petitioner. Also heard Mr. P.S. Lahakar, learned Additional Public Prosecutor, Assam for the State respondent.

2. The petitioner, namely, Altap Hussain has filed an application under Section 438 Cr.P.C. with a prayer for pre-arrest bail as he is apprehending arrest in connection with Crime Branch P.S. Case No.10/2022 registered under Sections 120B/420/406/409/471 IPC.
3. The FIR unfolds that the present petitioner along with other co-accused named in the FIR

opened a fraudulent account in the name of a deceased person, namely, Bipul Rabha, and then operated an LIC policy in the name of the said deceased person and after operating the policy for some time procured the death claim settlement in respect to the LIC policy of Bipul Rabha and this was discovered six to seven months after such false claim was made and thereafter, the FIR was lodged on 14.12.2022. It is also alleged through the FIR that by forging documents and by procuring identity cards and other relevant documents of the deceased such policies under the "Ageas Federal Life Insurance" for insurance coverage were fraudulently obtained by a group consisting of the petitioner as well as other co-accused persons. They are involved in such incidents of false claim of LIC policies procured against the deceased persons. It is submitted on behalf of the petitioner that the name mentioned in the FIR i.e. Altap Hussain is from Barpeta, Kharpara and the present petitioner Altap Hussain is from Barpeta, Bheraldi and is not the accused

4. Learned Addl. PP has raised objection stating that the statement of the witnesses recorded under Section 161 Cr.P.C. clearly indicates that several questionable documents like PAN cards, ATM cards, Photo Identity Card in the name of the deceased persons have been seized in connection with the case. The present petitioner is the mastermind and he operates the scheme with the help of his group and in the instant case the entire group has procured an amount of Rs.19,26,000/- as death claim and have shared the procured amount amongst themselves.
5. I have perused the case diary.
6. Cogent materials against the petitioner have been found in the case diary.
7. I have considered the role of the petitioner.
8. It appears that the investigation would be adversely affected if the petitioner is insulated by an order of pre-arrest bail.
9. I have also considered the submissions at the Bar.
10. Considering all aspects and in view of the foregoing discussions, prayer for pre-arrest bail of the petitioner is rejected at this stage.
11. Send back the Case Diary.

JUDGE

Comparing Assistant