

GAHC010266562022



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

Case No. : Bail Appln./3615/2022

MRIDUL HAQUE
S/O LATE SALIMUDDIN AHMED
R/O JAPORIGOG KRISHNA NAGAR,
P.S. DISPUR
DIST. KAMRUP (M), ASSAM
PIN CODE-781005

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 04-01-2023

Heard Mr. R.P. Sarmah, learned Senior Counsel assisted by Ms. S. Islam, learned counsel for the accused-petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Mridul Haque has prayed for his release on bail in connection with Crime Branch Police Station Case no. 10/2022, registered under Sections 120B/420/406/409/468/471, Indian Penal Code [IPC].

3. The accused-petitioner was arrested and thereafter, produced before the Court of learned Chief Judicial Magistrate, Kamrup [M] on 16.12.2022 and on being so produced, he was remanded to custody. Since 16.12.2022, the accused-petitioner is in custody.

4. The FIR in connection with Crime Branch Police Station Case no. 10/2022 is lodged in connection with an allegedly false insurance claim in respect of death of a person. As per the FIR, one insurance policy was obtained in the name of one Bipul Rabha from M/s Ageas Federal Life Insurance for insurance coverage of an amount of Rs. 19,26,000/-. It has emerged that Bipul Rabha died much earlier to the date of the insurance policy was issued in his name. In the FIR, the names of several persons have been mentioned stating that they were instrumental in obtaining the insurance policy in the name of Bipul Rabha [already dead] by forging a number of documents like Pan Card, Voter ID, Photographs, etc. When the claim for insurance money was made on the basis of those documents, the claim was processed and the amount against the insurance policy was disbursed.

5. In the FIR, the name of the present accused-petitioner has not been figured.

6. Mr. Sarma, learned Additional Public Prosecutor has submitted, on the basis of the materials available in the case diary, collected during the course of investigation carried out so far, that though there is no *prima facie* material till date against the accused-petitioner in so far as the false insurance death claim settled against the insurance policy taken against the name of Bipul Rabha [already dead] but there appears to be involvement of the accused-petitioner in respect of false claims made in respect of sale and purchase of vehicles in the name of dead persons and subsequent settlement of insurance claims. He has submitted that the same group of persons, whose names have figured in the FIR, have also been involved in making false insurance claims in respect of insurance claims pertaining to vehicles. According to him, the *modus operandi* of the group of persons is that a vehicle is purchased with the financial assistance of private finance companies in the name of a dead person. After payment of few installments [EMI] in the name of death persons, the group of persons submits the insurance claim against the insurance policy obtained against such vehicles

stating that purchaser of the vehicle had expired. With the insurance claims they also claim waiver of the EMIs against the insurance policy obtained against the vehicle. According to him, the accused-petitioner herein is involved in the said process.

7. I have perused the materials available in the case diary with regard to the submissions advanced by the learned Additional Public Prosecutor *qua* the matter of false insurance claims lodged in respect of vehicles. Though the investigation is found to be in progress there are no sufficient *prima facie* materials, as on date, to establish any linkage between the accused-petitioner with such false insurance claims as regards vehicle.

8. Having regard to the factual position that there are no *prima facie* materials, as on date, against the accused-petitioner in so far as the false insurance claim obtained in respect of Late Bipul Rabha and the fact that the accused-petitioner is in custody since 16.12.2022, this Court is of the view that the further custodial detention of the accused-petitioner appears not necessary for the purpose of carrying out further investigation into the case and if he is released on bail, at this stage of investigation, such release is not likely to bring any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

9. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 50,000/- with one suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M], Guwahati, subject to the conditions that :-

[i] the accused-petitioner shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation of the case;

[ii] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the accused-petitioner shall not obstruct or hamper the police investigation and

not to play mischief with the evidence collected or yet to be collected by the police;

[iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge-sheeted in the case.

10. The application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant