

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

910 CRIMINAL APPLICATION NO. 3803 OF 2016

ANIL S/O RAJABHAU JOSHI

VERSUS

THE STATE OF MAHARASHTRA & ANR.

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Mr. R.G.Joshi, Advocate for Applicants.

Mr. S.B.Yawalkar, A.P.P. for Respondents.

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CORAM : A.M.BADAR, J.

DATE : 18th AUGUST, 2016

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PER COURT :

1. Heard learned counsel for the applicant/accused. He argued that the applicant had shown his willingness to deposit some amount and accordingly he has deposited an amount of ₹ 6 Lakh with the registry. Learned counsel further argued that the applicant has already been suspended by his employer and departmental enquiry is already initiated against him. Therefore, in submission of the learned counsel for the applicant, in this offence based on documentary evidence, custodial interrogation of the applicant is not warranted.

2. Learned A.P.P. opposed the application by submitting that the crime in question is serious.

3. Perused F.I.R. lodged by the Branch Officer of Life Insurance Corporation of India [for short, 'L.I.C.']. The applicant was working as Higher Grade Clerk in L.I.C. According to the prosecution case, the Officer of L.I.C. was inspecting the policies issued by Corporation and during the course of investigation, the crime in question is detected. It is seen from the F.I.R. that the present applicant had defrauded L.I.C. by taking loan on the policies issued by it to its various customers. In this manner, applicant/accused has defrauded L.I.C. to the tune of ₹ 10,49,484/-. From the F.I.R., it reveals that several policy holders are also affected by the crime in question. The business of the insurance goes on with the trust reposed on the Corporation by the customers. In the case in hand, not only the employer is cheated, but even the policy holders are also cheated by the present applicant by taking loan against their policies. Considering the nature of offence and its impact on the society, no case for pre-arrest bail is made out. The amount, if any, deposited by the applicant towards refund of the defrauded amount can be considered at the time of imposing sentence, if any, on the applicant. Pendency of the departmental action has no relevance with the investigation of the crime in question. Hence, the order.

4. The application is rejected. Needless to mention that the observations in this order are *prima facie* in nature having no bearing on the trial of the case against the present

applicant.

5. At this stage, learned counsel for the applicant prays for extending the protection from arrest. The request is rejected.

[A.M.BADAR, J.]

KNP/Cr.Apln. 3803.2016