IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1502 OF 2015

Dhiraj G. Chachalani ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. M.S.Mohite i/b.Mr.Amey Deshpande for the Applicant
Mrs. Veera Shinde, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 14, 2016.

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.I-537 of 2015 registered with Pimpri Police Station for offences punishable under Section 406, 420, 467, 468, 471 r/w. 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that the applicant is an insurance agent. The complainant Sunita Waghere had taken a policy for the sum of Rs.75 lakhs in Birla Sun Life Insurance Company. The complainant had not received the money and upon

enquiry she learnt that the applicant and other partners of M/s. Krishna Investments and Securities had opened a false account in her name and mis-appropriated the said amount of Rs.63 lakhs approximately. It was also alleged that the applicant and the other co-accused had issued to her a policy of Aviva Life Insurance Company and that the said policy was also forged and fabricated. The complainant therefore lodged an FIR at Pimpri Police Station, Pune, pursuant to which the aforesaid crime was registered against the applicant, his brother and the other co-accused.

3. Mr. Mohite, the learned Counsel for the applicant has submitted that the applicant is not a partner of M/s. Krishna Investments and Securities. He has further submitted that the applicant had not advised the complainant to take the policy of Birla Sunlife Insurance Company, and that he was not involved in opening an account in the name of the complainant. The applicant was also not involved in any manner in issuing the policy of Aviva Life Insurance Company. The learned Counsel for the applicant has further submitted that since the brother of the applicant was involved in the said crime, he had

interverned in the matter and instructed his brother to pay the amount of Rs.27 lakhs. He has submitted that the complainant has not disclosed the fact that she had received an amount of Rs.27 lakhs from the brother of the complainant. The learned Counsel has further submitted that the complainant and her husband had been threatening the applicant that he would be falsely implicated in the crime and that he had recorded the said conversation. It is submitted that the applicant is falsely implicated only with an intention of pressuring the applicant in paying the money. The learned counsel for the applicant has submitted that the applicant is not involved in any manner in committing the said crime and hence he is entitled for bail.

4. The learned APP has submitted that the applicant, as an Insurance Agent, had advised the complainant to take several other policies. She has further submitted that the applicant along with his brother is involved in committing the said crime. She has staetd that the offence is of serious nature and that the presence of the applicant is required for custodial interrogation.

5. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties. The records prima facie reveal that the applicant herein is an insurance agent. The complainant had taken several other policies at the behest of the applicant. The records further reveal that the complainant had also taken policy for Rs.75 lakhs in Birla Sunlife Insurance Company The record does not prima facie indicate that the said policy was taken by the complainant at the behest of the present applicant. On the contrary a perusal of the policy reveals that Chandan Cachlani, the brother of the applicant herein was the Insurance Advisor of the complainant in respect of the said policy.

6. The records also do not prima facie reveal that the applicant was in any manner involved in opening the bank account in South Indian Bank in the name of the complainant, or tht he had withdrawn the said amount or any part of the amount either in his name or in the name of any other person. Even otherwise, the averment in the FIR indicates that the amount invested in the South

Indian Bank was transferred in the account of Krishna Investments and Securities vide cheque no.136412. The records do not indicate that the applicant herein was a partner of the said partnership firm or that he was in any manner associated with the said firm. The records also do not prima facie reveal that the applicant herein was involved in issuing or forging and fabricating the second policy of Aviva Life Insurance Company. In my considered view, the records do not prima facie show the involvement of the applicant in the said crime. The nature of allegations do not justify custodial interrogation. The applicant is a permanent resident of Pune district and there is no possibility of the applicant absconding or thwarting the course of justice.

7. Considering the above facts and circumstances, the anticipatory bail application is allowed on the following terms and conditions:

i) In the event of arrest of the applicant in Crime No.I-537 of 2015 registered with Pimpri Police Station, the applicant be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty

Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC. Pimpri.

ii) The applicant shall report to the Investigating Officer for 7days from 27th January, 2016 to 2nd February, 2016 between 10 a.m. to 1.pm. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

iii) The applicant shall not leave Pune district tfill filing of the chargesheet, without prior permission of the JMFC, Pune.

(ANUJA PRABHUDESSAI, J.)