

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 773 OF 2016

(RIYAZ AHMAD ABDUL RAZZAK & ANR...VS.. STATE OF MAH. THR. P.S.O. DHANTOLI, NAGPUR CITY)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for applicants.
 Shri M.J.Khan, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2017.

Heard.

The applicants, apprehending arrest in crime registered against them for the offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, have sought pre-arrest bail. The accusations against the applicants (father and son) are that the applicant No.1 has availed benefit under Rajeev Gandhi Jeevandayee Arogya Yojna for his cardiac surgery, though he was not eligible for it.

According to the Investigating Agency, the applicant No.1 is a retired government servant and his annual income is more than the limit up to which the facilities under this scheme can be availed. According to the Investigating Agency, because of the illegal claim by the applicants, the government and the hospital are cheated of Rs.1,27,500/-.

The applicants have stated that they are not involved in any other crime/ offence earlier. This Court has

granted interim protection to the applicants by order dated 24th November, 2016. The Investigating Agency has not complained that the applicants have misused the interim protection granted by this Court. The Investigating Agency has not pointed out that the custody of the applicants is required for further investigation.

In the above facts, I am of the view that the applicants are entitled for pre-arrest bail, however, on the condition imposed by this Court.

Hence, the following order:

In the event of arrest in Crime No. 277 of 2016, registered by the non-applicant, the applicants be released on bail on furnishing cash security of Rs. Seventy Five Thousand each with one solvent surety in the like amount for each of the applicant.

The application is **allowed** in the above terms.

JUDGE