

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10840 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-A.4 in Crime No.47 of 2017 of Lingal Police Station, Mahbubnagar District, registered for the offences punishable under Sections 406, 420, 468 and 471 I.P.C.

2. Heard the learned counsel for the petitioner-A.4 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioner-A.4 would submit that the petitioner-A.4 is innocent and he is falsely implicated in this case; the petitioner-A.4 was called upon to give a report in the month of March, 2017, with regard to the cause of death of Katravath Lalu, he gave the correct details, such as, the occupation, earnings, cause of death, etc. of the deceased; the petitioner has not suppressed any material facts; the petitioner is not responsible for the alleged offence in this case; the insurance amount was already paid by the insurance company before the report was given by him in this case; the petitioner is neither directly nor indirectly responsible for the alleged crime committed by other accused in this case; and ultimately, prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A.4 under Section 438 Cr.P.C. stating that the allegations are grave; there is specific role of the petitioner-A.4 in fabricating the report and it is not a fit case to allow the bail application.

5. The material on record reveals that the father of the deceased-Katravath Lalu lodged a written report to the police stating that

he belong to Scheduled Tribe; he has three male children, viz., (1) Late Katravath Lalu, aged 45 years, (2) Katravath Hanmanthu, aged 35 years and (3) Katravath Lokyanaik, aged 26 years and two daughters; both the daughters got married; in the year 2016, his elder son-Katravath Lalu affected with TB and was about to die; knowing the same through villagers, A.1 came to him and fabricated certain insurance documents taking the signatures of the *de facto* complainant and his son, etc., and on the demise of Katravath Lalu, agreed to pay the insurance amount to the *de facto* complainant; after death of his son, no insurance amount was paid to him; and on verification, he found that A.1 received Rs.4,85,855/- and Rs.5,00,000/- as insurance policy amounts of his son through the account opened in his name from different insurance companies. On the report lodged by the *de facto* complainant, this case is registered and being investigated. The material on record further reveals that the insurance company concerned called upon this petitioner-A.4 to investigate the matter and submit a report. The investigator (petitioner-A.4) gave a report stating that the deceased was an auto driver, his annual income was Rs.1,00,000/- and he was getting Rs.2,00,000/- from agriculture. He has also stated in his report that the deceased was suffering from HIV positive, wife of the deceased had taken divorce six years back and the deceased was not having any children and there are no details of the treatment taken by the deceased in any hospital. Ultimately, he stated in his report that the authorities may take necessary action in the matter. As per the material collected, the deceased died due to TB. Before that, he was bedridden for a long time. There is no record of the deceased suffering from HIV positive. It goes to show that the petitioner-A.4 has given a false report in tune with the fraud played by the other accused in this case. When due share of A.7-father of the deceased was not given, the commission of offence in this case has come to light.

As per the record, this petitioner-A.4 has also played a role in suppressing the material facts and gave a false report. Therefore, it cannot be said that the petitioner-A.4 is an innocent and entitled for bail under Section 438 Cr.P.C. It is also relevant to state that the release of the petitioner-A.4 would hinder the investigation. Further, there is possibility of the petitioner-A.4 causing disappearance of the material evidence. Viewing from any angle, it is not a fit case to grant bail to the petitioner-A.4 under Section 438 Cr.P.C.

6. In the result, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Date: 27-11-2017.

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Dr. SHAMEEM AKTHER, J

