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

**ANTICIPATORY BAIL APPLICATION NO. 938 OF 2021**

Simran Nandkumar Patole,
Age : 25 years, Occu. Service,
Residence at MIDC, Ahmednagar,
Dist. Ahmednagar. ...**Applicant**

**Versus**

The State of Maharashtra ...**Respondent**

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Mr. Vivek V. Tarde, Advocate for the applicant
Mr. V. S. Badakh, APP for respondent / State

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**CORAM : V. G. BISHT, J.**

DATE OF RESERVING THE ORDER : 08th September, 2021
DATE OF PRONOUNCING THE ORDER : 15th September, 2021

**PER COURT : -**

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 6179 of 2020, registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 408, 420, 468 of the Indian Penal Code.

2. It is the case of the prosecution that the informant is the General Manager with Wasan Brothers, Kedgaon. The prosecution alleges that, vehicle bearing registration MH-12/HN-3589 had been to the Wasan Brothers Workshop for repair. The Insurance Company assured that it will pay insured declared value money (hereinafter

referred to as "IDV") of Rs. 2,61,000/- and, therefore, the vehicle owner approached informant and showed him policy papers assuring him of Rs. 3,50,000/- and claimed amount under IDV head. It is further alleged that upon the investigation of the policy papers, it revealed that applicant received cash of Rs. 18,037/- from the customer Pandurang Almale and gave IDV policy worth Rs 3,56,686/- to him. However, the applicant actually deposited only Rs. 14,539/- and gave IDV policy worth Rs. 2,61,000/- and thus misappropriated the remaining premium amount. It is further alleged that when the informant checked the entire system it was found that the applicant had, in this way, issued about 110 bogus policies and misappropriated an amount of Rs. 6,15,009/-. Accordingly, FIR came to be filed.

3. Mr. Vivek V. Tarde, learned Counsel for the applicant, submits that none of the customers complained against the applicant. There is no audit report showing the applicant misappropriated the amount and as there is nothing to be recovered from the applicant and the case being of documentary nature, there is no necessity of police custody.

4. Mr. V. S. Badakh, learned APP, on the other hand, opposed the submissions by contending that although the applicant collected huge amount from the customers, less amount was shown in the official record and thereby the applicant not only cheated the

company but also the customers. Learned APP also invited my attention to the investigation papers and submits that there are statements of prosecution witnesses to that effect. Investigation is going on. The custody of the applicant is very much necessary for the purpose of investigation and in such circumstances, the application being devoid of merits, needs to be rejected.

5. There is no dispute to the fact the job of the applicant was to issue insurance policy after taking the necessary premium amount. When the customer namely, Pandurang Almale, approached the said workshop to repair the vehicle with the help of insurance papers, it is only then revealed that although his papers were showing insurance in the sum of Rs. 3,56,686/-, the IDV of the policy was Rs.2,61,000/- inasmuch as it was the amount against Rs. 14,539/- premium which was deposited by him. This amount of Rs. 14,539/- was disputed by the said Pandurang Almale inasmuch as his policy papers reveal that he had paid Rs. 18,037/- towards the insurance and not Rs. 14,539/- as shown in the official record by the applicant. This led to the inspection of other 110 policies at the hands of the informant which were prepared by the applicant herein and it is only then revealed that the total amount of Rs.6,15,684/- was misappropriated by her.

6. I have gone through the investigation papers. There is a statement of Deepak Bhimrao Baravkar, wherein he states that on 07.05.2020, he had taken out an insurance of his Innova vehicle. Similarly, on 25.05.2020, he had taken out an insurance of Etios car belonging to his wife in the sum of Rs. 19,812/-, IVD of which was Rs.3,96,486/- and when he verified the insurance policy of his wife with the informant, it revealed that more amount was taken by the applicant towards the insurance policy but less amount was deposited with Insurance Company and this fact was revealed to him by none other than the informant. *Prima facie*, there is involvement of the applicant in the alleged offences.

7. In view of above, I do not find merit in the submissions of the learned counsel for the applicant and having regard to the nature of allegations, in my considered opinion, the custodial interrogation of the application is very much necessary.

8. For the aforesaid reasons, I pass the following order.

**ORDER**

The application is rejected.

**[ V. G. BISHT ]**
**JUDGE**