

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2678 OF 2019

**Nisha S.
Chitnis**

Keshavrao Gopalrao Vanarche

.Applicant

Vs.

The State of Maharashtra

.Respondent

Digitally signed
by Nisha S.
Chitnis

Date: 2021.01.20
17:40:00 +0530

Mr. P. R. Arjunwadkar, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 15.01.2021

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 13 of 2019 registered with the Vitthalwadi Police Station, Thane City, for the alleged offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant is not concerned with co-accused – Chandrashekhar Narsimulu Shinde, who is the main accused in the aforesaid case. He

submits that as far as the Applicant is concerned, he is alleged to have prepared a forged death certificate of his wife and claimed insurance to the tune of Rs. 12,75,000/- from Birla Sun Life Insurance Company and as such, cheated the said Insurance Company. He submits that the Applicant is in custody since 15.04.2019 and that the investigation is complete and charge-sheet is filed. Learned counsel for the Applicant further submits that in the aforesaid C. R., the accused who are alleged to have actually prepared forged death certificates have been released on bail.

4. Learned APP opposed the Application.

5. Perused the papers. It is the prosecution case that during the period 12.09.2015 to 20.09.2017, the accused Nos. 1 & 5 i. e. Chandrashekhar Narsimulu Shinde and Narayan Chandrashekhar Shinde with the help of accused Nos. 2 to 4 i. e. Tejpal Ramvir Mehrol, Abdul Mohid Abdul Vali Siddique and Imran Sajan Rahman Siddiqui prepared forged death certificates of accused No. 1 and his wife – Radha Chandrashekhar Shinde, accused No. 1's daughter-in-law – Laxmi Narayan Shinde (Original Accused No. 6), informant – Vyankatanrasu Marutirao Shinde and his eight relatives i. e. Gidamma Tirupatirao

Vanarche, Ragamma Chandraya Vanarche, Chinna Hanmantu Vanarche, Iramma Iranna Vanarche, Gidamma Gidayya Shinde, Bhagyamma Venkatrao Rekandar, Jumalamma Hanmant Shinde and Baburao Ramchandra Vanarche and that on the basis of the said forged death certificates, cheated Bajaj Allianz Life Insurance Company and Birla Sun Life Insurance Company to the tune of Rs. 82,90,015/-. It appears that during the course of investigation, it transpired that the Applicant had also got a forged death certificate prepared of his wife and claimed insurance of Rs. 12,00,000/- (odd) from the Birla Sun Life Insurance Company. It appears that the said death certificate was prepared in Karnataka. It also appears that after receiving the insurance claim, the Applicant prepared a new Aadhar Card in the name of his wife by changing her name. Admittedly, the Applicant is not concerned with the Accused Nos. 1 to 6. As noted earlier, during investigation, the Applicant's act came to light. No doubt, prima facie, there is material against the Applicant to show his complicity in the alleged crime, however, in the facts, further detention of the Applicant is not warranted. The Applicant is in custody since 15.04.2019. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

6. Having considered the peculiar facts & circumstances of

the case, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 50,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on the **first Sunday of every month** between **10:00 a. m. and 12:00 noon** till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant to co-operate with the conduct of the trial and attend the trial Court on all the dates, unless exempted;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the Registry of the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order digitally signed by Personal Assistant / Private Secretary.

(REVATI MOHITE DERE, J.)