

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2575 of 2022

Kabiraj Behera

.... **Petitioner**

Mr. P.K. Jena, Advocate

- Versus -

State of Orissa

.... **Opposite Party**

Mr. S.K. Mishra, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.06.2022

Order No.
08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The copy of the surrender certificate has been filed in Court today, which shows that the petitioner has surrendered in custody after expiry of the interim bail on 11.06.2022.
4. The petitioner is in custody since 07.10.2021 in connection with EOW, Bhubaneswar P.S. Case No.12 of 2021 corresponding to G.R. Case No.1188 of 2021 pending in the Court of learned S.D.J.M., Khordha for the alleged commission of offence under Sections 420/467/468/471/120-B of IPC.
5. The facts of the case are that an FIR was lodged by Senior Branch Manager, LIC of India, Khordha Branch alleging that several death claims were submitted. On enquiry it was found that the policy holders had actually expired prior to commencement of the policy. All such policies were proposed and processed by the petitioner, who was working as an agent of the LIC. From the FIR it is revealed that seven policies purchased by Smt. Arati Ranasingh for an amount of

Rs.48,00,000/- was repudiated and Smt. Ranasingh also relinquished her claim. Similarly death claims under five policies for an amount of Rs.19,24,661/- in respect of policies taken on the life of Late Jayanti Khandayatray was also found to be false and in course of enquiry, the nominees, namely, Sri Rashmiranjan Khandayatray and Pramod Khandayatray returned the entire amount to LIC which they had received towards claim amount. The said claim was also proposed and processed by the petitioner. Similarly, five other policies on the life of one Dipak Mangaraj for a sum of Rs.62,00,000/- were initiated but were cancelled because of detection of fraud. Eight other policies were submitted for claim of Rs.52,50,000/- on the life of late Sukur Khan, which was also found to be a fraudulent one.

6. In all the above cases, the petitioner being the agent of LIC had submitted the proposal and proposed the same. Be that as it may, fact remains there has been no loss caused to LIC because of the fraudulent transactions. There is no material to show that any amount was transferred to the petitioner's account by any of the said nominees. Though it is submitted by learned State Counsel that the petitioner had furnished two cheques to Rashmiranjan Khandayatray and the same had bounced, yet the same is beyond the purview of the instant case which relates to fraudulent transactions made in respect of LIC policies.

7. Considering the above facts as also the period of detention in custody and the fact that trial has already commenced, I find no justified reason to detain the petitioner in custody any longer. The bail application is allowed. Let the petitioner be

released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that he shall personally appear before the trial Court on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the trial Court to take him to custody again.

8. BLAPL is accordingly disposed of.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

