

Sheemanchal R. Mishra and Another	...Applicants
vs.	
The State of Maharashtra	...Respondent

WITH
BAIL APPLICATION NO.1540 OF 2022

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VISHAL SUBHASH
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Mr. Akhilesh Singh, for the Applicants in B.A.No. 1597 of 2022.
Ms. Veera Shinde, APP for the State.
Mr. A.M. Saraogi, for the Applicant in B.A.No. 1540 of 2022.

CORAM: N. J. JAMADAR, J.
DATE: MAY 09, 2022
(VACATION COURT)

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. The applicants have preferred these applications for bail in connection with C.R. No. 118 of 2022 registered with Mira Road police station for the offences punishable under sections 364-A, 385, 324, 323 and 506 read with 34 of the Indian Penal Code, 1860.

3. The indictment against the applicants is that the applicants had submitted certain claims for reimbursement of the expenses incurred for medical treatment under the medicaid insurance

policy with Nexus Health Care company, with which Mr. Sanjaykumar Dixit, the first informant, was working. The first informant was entrusted with the work of examining the claims and submit report to the Nexus Health Care. The first informant claimed to have known the applicants and co-accused Rajesh Mishra.

4. On 16th March, 2022 the first informant was allegedly abducted in a Tata Nexon Car. The applicants along with co-accused Rajesh assaulted the first informant and made him to make a false statement, which was video recorded, to the effect that he had rejected the claims lodged by the applicants despite having taken money from them for sanctioning the said claims.

5. The learned counsel for the applicants submitted that, prior to the registration of the offence in question, the applicants had made complaint against the first informant for not processing the claim submitted by the applicants. The learned counsel further invited the attention of the Court to an order passed by this Court on 29th April, 2022 in Anticipatory Bail Application No. 1126 of 2022 whereby the co-accused Rajesh Mishra was granted pre arrest bail.

6. Perused the said order dated 29th April, 2022. This Court found that there is material discrepancy in the version of the first informant in the first information report and supplementary

statement. The applicants are similarly circumstanced. Even otherwise, from the perusal of the allegations in the first information report, it would be rather difficult to draw an inference that the offence punishable under section 364-A of the Penal Code, is prima facie made out. The applicants appear to have roots in the society. The possibility of fleeing away from justice and tampering with evidence seems remote. Investigation has also reached an advanced stage. In the circumstances, the applications deserve to be allowed. Hence, the following order.

ORDER

- 1] The applications stand allowed.
- 2] The applicants be released on bail in C.R. No.118 of 2022 registered with Mira Road police station for the offences punishable under sections 364-A, 385, 324, 323 and 506 read with 34 of the Indian Penal Code, 1860 on furnishing a P.R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount, to the satisfaction of the learned Sessions Judge.
- 3] The applicants are permitted to furnish cash security in lieu of personal surety for a period of four weeks.
- 4] The applicants shall not tamper with the prosecution evidence and/or gave threat or inducement to any of prosecution witnesses.
- 5] The applicants shall cooperate with the investigation and

appear before the investigating officer every alternate Saturday from 10 am to 12 noon, till filing of charge sheet.

6] Application stands disposed.

(N. J. JAMADAR, J.)