IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 583 OF 2023

Ranjana w/o Joshef Devid ... Applicant

Versus

Ravindra s/o Vitthal Gaikwad & another ... Respondents

Mr. P. S.Shinde, Advocate for the applicant.
Mrs. R. P. Gour, APP for the State.
Mr. K. S. Patil, Advocate holding for Mr. D. B. Pokale, Advocate for the informant.

CORAM : R. M. JOSHI, J.
DATE : 16th JUNE, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 66/2023 which is registered on the basis of directions issued by the Magistrate under Section 156(3) of the Code of Criminal Procedure, with Cantonment (Chavani) Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 406, 468, 471, 504, 506 of the Indian Penal Code.

2. It is the contention of informant that she has acquaintance with applicant who was LIC agent. It is further stated that applicant had asked her to take Life Insurance Policy in the

name of her son and for that purpose he received sum of Rs. 12,00,000/- by cheque and Rs. 3,00,000/- by cash. She was given understanding that on completing age of 18 years, her son would get sum of Rs. 75,00,000/-. she further states that the policy documents were given to her by the applicant. In the year 2022, it was revealed that the agency of the applicant was terminated by LIC in the year 2018. It is alleged by the informant that applicant has misused amount of Rs. 15,00,000/- paid by her for the purpose of obtaining Life Insurance policy in the name of her son.

3. Learned counsel for the applicant states that admittedly informant has acquaintance with the applicant. It is submitted that in good faith applicant has allowed the informant to deposit dues payable to her on account of death of her husband in his account. He further states that from time to time, as demanded by the informant, amount has been transferred to her account. It is submitted that by lodging present false complaint, informant is trying to take disadvantage of fact that cheques were deposited in the account of the applicant.

4. Learned APP on the basis of instructions received from the Investigating Officer as well as from investigation papers has stated that it is revealed during investigation that sum of Rs.3,03,200/-has been transferred by the applicant in the account of the informant from time to time before lodging of the First Information Report. A query was made as to whether any further statement of the informant is recorded by the Investigating Officer to seek clarification about the said amount. To this query, it is stated by learned APP on instructions from Investigating Officer that now the informant is not cooperating in the investigation and she is not prepared to give further statement. Learned counsel appearing for the informant however states that informant is cooperating in the investigation.

5. Prima facie perusal of the documents on record shows that the applicant had transferred substantial amount in the account of the informant. In such circumstances, it is incumbent on the part of the informant to explain the purpose for which she has received said amount. There cannot be a denial to the fact that she has received said amount from the applicant as bank entries corroborate the same. Refusal on the part of the informant to cooperate in

further investigation, is sufficient to infer that there is substance in the contention of learned counsel for the applicant that by taking disadvantage of cheques realised in the account of the applicant, informant has made false complaint against him.

6. It does not stand to any reason as to why for the purpose of obtaining insurance policy, a cheque is to be issued in the name of applicant and not in the name of LIC. Learned counsel for the applicant states that there is no such policy introduced by the LIC to deposit sum of Rs. 15,00,000/- and to get return of Rs. 75,00,000/-.

7. Having regard to the facts and circumstances of the case, there is reason to believe that this can be case of false implication of the applicant by informant. Hence, liberty of the applicant deserves to be protected. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 66/2023, registered with Cantonment

(Chavani) Police Station, Dist. Aurangabad, for the offences punishable under Sections 420, 406, 468, 471, 504, 506 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when required.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb