

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1210 OF 2023

ZUMBARBAI RAOSAHEB WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shriraj R. Wakale
APP for Respondent : Ms. V. N. Patil Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 10-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.I-142 of 2016 registered with Belwandi Police Station, District Ahmednagar, for the offences punishable under Sections 304, 304A, 297, 279 of the Indian Penal Code and Sections 184, 134(A)(B), 177 of the Motor Vehicles Act.
3. It is a case of claiming the insurance claim pretending one of the co-accused died in the vehicular accident. During the course of investigation, it was transpired that the person in whose name the policy was standing, is alive. However, one dead body was brought from Primary Health Center and pretended that it was the dead body of the person who was insured. In fact, no accident

happened as claimed. However, to grab the insurance claim, a false case was made. It has also been alleged against the applicant that she claimed to be the mother of the insured. She had supplied the identification documents. She had also opened a bank account in her name to receive the insurance claim.

4. The learned counsel for the applicant would submit that she has been trapped by the other co-accused. Her documents have been misused. The material investigation has been completed. She is languishing in jail since May 2023. There were no antecedents to her discredit. Hence, she may be granted bail.

5. Per contra, the learned A.P.P. would submit that the offence is serious. It was an act committed in conspiracy with an intent to cheat the insurance company and for that purpose the false documents have been created. The offence is grave. Hence, she may not be granted bail.

6. The facts discussed above reveal that the insurance claim was tried to be grabbed about road traffic accident which actually did not happen and the applicant claimed to be the mother of the insurer for whom the insurance was claimed. Her role as alleged against her is that she had produced the documents to pretend that she was the mother of the insured and she opened the bank account. Fortunately, the insurance company did not disburse the insurance claim.

7. It appears that the material investigation against the applicant has been completed. The necessary documents have been recovered from her. She is languishing in jail for sufficient time. There were no antecedents to her discredit. Hence, it would not be appropriate to keep her behind bars. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Zumbarbhai Raosaheb Waghmode be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) She shall not tamper with the prosecution witnesses.
 - (b) She shall not contact the other co-accused till conclusion of the trial.
 - (c) She shall attend the police station as and when called by the Investigating Officer on a written notice till filing the chargesheet.

**(S. G. MEHARE)
JUDGE**

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