**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 301 OF 2021**

Sanjaykumar Janakdev Sharma … Applicant

**V/s.**

The State of Maharashtra … Respondent

Mr. S. C. Mishra i/b Mr. Rahul Arote a/w Mr. Sankalp Vichare, Mr. Ayush Pasbola, Adv. for the Applicant.

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

API Anant Kamble, Protection & Security Branch, Mumbai.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED : MARCH 31, 2023**

**P.C. :**

1. This is an application under Section 438 of Code of Criminal Procedure, 1973 filed by the aforesaid Applicant apprehending his arrest in Crime No. 245 of 2014 registered with N. M. Joshi Marg Police Station, Mumbai for the offences under Section 420, 465, 466, 467, 471 & 409 read with 34 of the Indian Penal Code, 1860.

2. Heard learned Counsel for the Applicant and learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report dated 06/06/2014 lodged by Guruswami Ganga Naykar. The Complainant has been authorized by Birla Sun Life Insurance Company as well as other insurance companies to lodge FIR/complaints on their behalf. He lodged the FIR on behalf of Birla Sun Life Insurance Company alleging that the heirs of some of the deceased persons had raised insurance claim. The Applicant, who was appointed as an Agent, was required to verify all the relevant documents including medical records of the deceased and submit an affidavit giving the details of sickness and cause of the death. It is alleged that in the year 2012-2013, the Applicant submitted reports that the deceased/policy holders Nareshkumar Babulal Parmar, Amin Abdulmalik Charniya, Shardaben Puranbhai Rathod, Laxmanbhai Nathabhai Begadiya and Jayantibhai K. Solanki were treated for cancer. It is stated that their claim was rejected since cancer was not covered under the policy. It appears that the heirs of the deceased filed proceedings before the Consumer Forum and Insurance Regulatory Development Authority and it was revealed that the report submitted by the Applicant was false. It was revealed that the said policy holders had not taken treatment in the hospital as reported by the Applicant. It is further stated that the Consumer

Forum had directed the Birla Sun Life Insurance Company to pay compensation to the heirs of deceased persons. The Complainant has alleged that the insurance company had to suffer loss because of the false report submitted by the Applicant.

4. The main grievance of the Complainant appears to be that the insurance company had suffered loss because of the false report submitted by the Applicant. The records do not *prima-facie* indicate that the Applicant had an intention to cheat or that he was benefited by giving a false report. The alleged incident is of the year 2012-2013. The First Information Report is lodged in the year 2014. The Anticipatory Bail Application filed by the Applicant before the Sessions Court was rejected vide order dated 09/03/2015 and thereafter, this Court had granted interim bail to the Applicant on 04/02/2021. It is stated that till date charge-sheet has not been filed. No satisfactory explanation is forthcoming for the delay in the investigation. Suffice it to say that speedy trial also encompasses speedy investigation and it is one of the inalienable rights under Article 21 of the Indian Constitution. Learned APP states that the report will be filed before the learned Magistrate within a period of 3 weeks from today.

5. Considering the above circumstances, this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in Crime No. 245/2014 registered with N.M. Joshi Marg Police Station, Mumbai, he shall be released on interim bail on furnishing Bail Bonds in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount;

(b) The Applicant shall appear before the Investigating Officer as and when required;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case in any manner;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**