**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (ABA) NO.248 OF 2023**
(Kamlesh Govindrao Patil and anr. Vs. State of Maharashtra)

AND

**CRIMINAL APPLICATION (ABA) NO.657 OF 2023**
(Amol Shrikrushna Tale and ors. Vs. State of Maharashtra)

---

| Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order | Court's or Judge's Order |
|---|---|

---

Mr. A.A. Naik, Advocate a/w Mr. P.R. Agrawal, Advocate for the applicants.
Mr. S.S. Hulke, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**
**DATED :- DECEMBER 05, 2023.**

Heard.

2. By these applications, the applicants are seeking anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Crime No.114/2023, registered with Police Station Khadan, Akola for the offence punishable under Sections 409, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. The applicants are apprehending their arrest at the hands of police as crime is registered against them on an allegations that the applicants are the employees of the ICICI Lombard General Insurance Company Limited which is engaged in general insurance, re-insurance, insurance claims, management and investment management. The ICICI Lombard General Insurance Company is a joint venture with ICICI Bank.

4. Mr. Naik, learned Counsel and Mr. Agrawal, learned Counsel both have submitted that the Government of India had launched Pradhan Mantri Fasal Bima Yojna from Kharip 2016 to support the production in agricultural and affordable crop insurance product to ensure comprehensive risk cover for crops of farmers against all non-preventable natural risks from pre-sowing to post-harvest stage. The objectives of the scheme is to provide financial support to farmers suffering crop loss/damage arising out of any unforeseen events. The guidelines issued by the Department of Agricultural Co-operation for the welfare of the farmers in respect of Pradhan Mantri Fasal Bima Yojna which are effective from Kharip 2020. As per the guidelines issued the procedure was prescribed for implementation of the said scheme and selection of the insurance company. As per the said scheme, the farmers have to insure their crops with the insurance company by making percentage of the premium decided by the State Government and the remaining amount of premium will be shared by the State Government and the Central Government. The ICICI Lombard General Insurance Company which has given the tender, which was accepted and the ICICI Lombard General Insurance Company was considered to be an Agency for the insurance. As per the scheme for Akola district, the percentage of sharing of premium for the farmer is at 2% per hector.

5. As per the allegations in the First Information Report (FIR), the present applicants who are the employees of the ICICI Lombard General Insurance Company were under obligation of invoking grievance redressal mechanism against the decision of District Administration of Akola, the Officers of the District Administration got annoyed and lodged the FIR. As per the allegations, the applicants who are the Officers of the ICICI Lombard General Insurance Company holding the various posts and are part of implementing the said scheme. The agriculturists filed various applications for compensation however, the officers involved in the scoring in the recitals of the panchnama which was drawn to ascertain the loss. It is alleged that the documents are forged and fabricated and loss is caused to the Government to the extent of Rs.3,95,09,177/-. On the basis of said allegations, police have registered the offence against the present applicants.

6. Learned Counsel for the applicants submitted that the applicants who are holding the managerial posts at Akola Branch of the ICICI Lombard General Insurance Company. In fact, no specific allegations are made against them that they have fabricated the said documents. In fact, the ICICI Lombard General Insurance Company has engaged one Agency namely Krushi Care. The Agreement is executed between the ICICI Lombard General Insurance Company and the Krushi Care. In view of that, it is the Krushi Care who has to carry out the said panchnamas

and assess the losses and said panchnamas are to be forwarded to the head office of the said company. Thus, the present applicants who are working as an employees in various capacities have no role to play in either preparing the panchnamas or forwarding the same to the head office. However, the Investigating Agency is behind the present applicants, and therefore, the present applicants are apprehending arrest at the hands of police. They further submitted that considering the allegations against the present applicants, their physical custody is not at all required as nothing is to be recovered from them. The Investigating Agency has to carry out the investigation regarding the forgery of the documents with the officials of the Krushi Care. After the applicants in Criminal Application (ABA) No.248/2023 are released on ad-interim anticipatory bail, they have cooperated with the investigating agency and abide by all the conditions imposed by this Court. In fact, there are no allegations against the present applicants alleging that they have involved in the forgery of the said documents.

7. *Per contra*, learned Additional Public Prosecutor strongly opposed the application on the ground that the Government of India has launched Pradhan Mantril Fasal Bima Yojna in the year 2016 which supports the production of agricultural produce and to provide such security to the farmers who have sustained loss of their crops due to the natural calamities and to cover the risk for the said crops. The scheme contemplates that the

premium towards the insurance of such crops shall be equally paid by the Central Government and the State Government. The premium towards their liability and the farmers has to pay remaining 2% of premium and in this regard the guidelines has been issued. It is further submitted that during the course of the investigation, it is revealed to the Investigating Officer that the lesser area came to be shown in the insurance claims from which claims filed by the authorized persons of the ICICI Lombard General Insurance Company Limited. It is also revealed during the investigation that in the Akola Taluka out of 127 claim forms on 80 claim forms the signature of the Agricultural Officer is a forged signature and on 41 claim forms wherein lesser amount of compensation is shown. He further submitted that considering the allegations the physical custody of the present applicants is required for the investigation purpose and prays for rejection of the application.

8. After hearing both the sides and after going through the investigation papers, it shows that the present applicants who are the employees of the ICICI Lombard General Insurance Company working in various capacities. The Government of India had launched Pradhan Mantri Fasal Bima Yojna from Kharip 2016. As per the guidelines and procedure prescribed, the ICICI Lombard General Insurance Company was given a tender by the State of Maharashtra which includes Akola district to carry out the activity. The ICICI Lombard General Insurance Company

has engaged the agency Krushi Care to draw the panchnamas and to assess the loss suffered by the agriculturists. As per the allegations in the report, while drawing the panchnamas, the lesser area was shown which cause the monetary loss to the various farmers about the crops which came to be insured as per the scheme floated by the Central Government. It is further alleged that certain signatures of the officers of the Agricultural Department came to be forged.

9. Admittedly, there are no allegations against the present applicants that they were engaged in drawing panchnamas, therefore, as far as the allegations against the present applicants as regards the forgery is concerned is not made out. Admittedly, the activity of drawing panchnama is carried out by the persons deputed by the Krushi Care, therefore, the necessary information regarding the forgery is to be ascertained by interrogating the officers of the Krushi Care. Considering the same, physical custody of the present applicants is not required. Entire material which is to be collected during the investigation is in the nature of the documents. Considering the role of the present applicants who are the officers of the ICICI Lombard General Insurance Company that the applicants who are released on ad-interim protection in Criminal Application (ABA) No.248/2023 have cooperated with the investigating agency.

10. Learned Additional Public Prosecutor fairly submitted, on instructions, that the applicants who are

released on ad-interim protection have co-operated with the investigating agency. In view of that prayer of the present applicants for grant of anticipatory bail deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) In the event of arrest, the applicants in *Criminal Application (ABA) No.248/2023* – (1) Kamlesh Govindrao Patil and (2) Prabhash Chandra Arabain and the applicants in the *Criminal Application (ABA) No.657/2023* – (1) Amol Shrikrushna Tale, (2) Prafulla Bhanudas Gawhane, (3) Ashish Dilip Bhise, (4) Mahesh Narayan Dandale, (5) Narendra Babanrao Bahkar, (6) Nilesh Deorao Sonone and (7) Yogesh Namdeo Ghyawat in connection with Crime No.114/2023, registered with Police Station Khadan, Akola for the offence punishable under Sections 409, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(ii) The applicants shall attend the Police Station Khadan, Akola once in a week i.e. on every Sunday between 10.00 am. and 01.00 pm. and shall extend their co-operation in the investigation in all respects including production of the documents.

(iii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(iv) The applicants shall furnish their cellphone numbers and address with the address proof.

**(URMILA JOSHI-PHALKE, J.)**

**Divya*