

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.214 OF 2024**

Dinesh Pramod Taksale ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Keshav Chavan, for Applicant.
Mr. S.R.Aagarkar, APP for Respondent No.1.
Mr. Rahul Patil, PSI, Shivaji park Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 28 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in C.R.No.80 of 2023 registered with Shivaji Park Police Station for the offences punishable under Sections , 120B, 465, 467, 468, 471, 419, 511, 420 read with Section 34 of the Indian Penal Code.
3. The first informant who was posted as Sr. Branch Manager at LIC, Dadar (W) Branch, lodged a report with the allegations that on 31 December 2015, a policy on the life of the Applicant (A1) was issued. His mother Nandabai was the nominee.
4. On 14 March 2017 - Zumberbai Waghmode, accused No.5, impersonated as Nandabai, the mother of accused No.1 and filed a death claim. It was claimed that Dinesh, the insured, passed away in a vehicular accident on 25 December

2016 on Nagar – Pune Road. An unknown vehicle had ran over him. Investigation by the Zonal Office revealed that the accused No.1 Dinesh was alive and a false death claim was made. Inquiries further revealed that the accused No.1 Dinesh had obtained the policy by making false declaration and submitting false documents.

5. During the course of investigation, it transpired that the applicant had submitted false documents to show huge income from business and agricultural operations. Huge premiums were also paid to quell any suspicion. Subsequently, pursuant to a conspiracy with the co-accused, the deadbody of an unknown person, who had met with an accident on Pune Nagar Highway, was claimed by co-accused Anil Lakade and Zumberbai as tht of Dinesh – the applicant, and, on that basis, after obtaining a false death certificate, death claim was submitted.

6. Learned Counsel for the applicant would urge that the applicant is not a beneficiary of the alleged fraud. Co-accused Zumberbai, who had allegedly lodged a false claim, has since been released on bail. By an order dated 31 January 2024, this Court has released Anil Lakade on bail. As the investigation is complete, further detention of the applicant is not warranted.

7. Learned APP countered the submissions on behalf of the applicant. It was submitted that there were financial transactions between the applicant and the co-accused which point to the larger conspiracy. Since the policy was taken on the life of the applicant and death claim was lodged by falsely representing that he had died in an

accident, though alive, the applicant can be said to be the principal conspirator. Thus, the applicant does not deserve to be enlarged on bail.

8. On a careful perusal of the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it, it appears that the indictment against the accused is that of preparing false documents to bolster up his financial position and using those documents as genuine. The question as to whether those documents were forged and the applicant used the forged documents as genuine would be a matter for adjudication at the trial.

9. As regards the lodging of the false claim, the said role is primarily attributable to Zumberbai. All the documents have been recovered. Investigation is complete for all intent and purpose. Prima facie, it appears that the fraud was unearthed before the money could be released by LIC. Thus, the applicant cannot be said to have received any pecuniary benefit.

10. The applicant has been in custody for almost a year. In the circumstances, further detention of the applicant does not seem to be warranted.

11. For the foregoing reasons, I am inclined to exercise the discretion in favour of the applicant.

12. Hence, the following order :

ORDER

- (i) The Application stands allowed.

(ii) The Applicant – Dinesh Pramod Taksale be released on bail in C.R.No.80 of 2023 registered with Shivaji Park Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Shivaji Park Police Station on first Monday of every month in between 11 am to 1 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations

made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)