



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3700 OF 2023**

Anil Bhimrao Lakade

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Nitin Gaware Patil, for Applicant.

Mrs. Geeta P. Mulekar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 31 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with 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 accused No.1 Dinesh Pramod Taksale, was issued. On 14 March 2017 – Nandabai, co-accused and mother of accused No.1 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 him over. 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

policy by making false declaration and submitting false documents.

4. The applicant came to be arrested as the investigation revealed that the applicant had deposited the premium in respect of the said policy and had allegedly forged the documents which were filed by the accused No.1 Dinesh, for getting the policy.

5. Learned Counsel for the applicant submitted that the applicant is not the beneficiary of the alleged fraud. A death claim was filed by the mother of accused No.1. The applicant has been roped in on the basis of the suspicion as the premiums for the said policy were paid from the account of the applicant.

6. Learned APP resisted the prayer for bail. It was submitted that the investigation has revealed that a sum of Rs.3,00,028/- was transferred to the account of the applicant from the accused of Accused No.1 Dinesh. It was also revealed that false memorandums of understanding, which were submitted by the accused No.1, were prepared by the applicant.

7. Evidently, the applicant is not the person who had either taken the policy or lodged the death claim. The crux allegations against the applicant appear to be that the applicant had assisted the accused No.1 in getting the policy on his life. Prima facie, the allegations of criminal conspiracy between the accused No.1 and the applicant, are not made. The circumstances sought to be relied upon by the prosecution, prima facie, appear to be compatible with the innocence of the applicant.

Whether the applicant was a privy to the fraud, would be a matter for adjudication at the trial.

8. The applicant is in custody since 4 March 2023. Investigation is complete for all intent and purpose. Chargesheet has been lodged. Further detention of the applicant does not seem to be warranted. The applicant appears to have roots in society. Possibility of tampering with evidence and fleeing away from justice appears to be remote. I am, thus, inclined to exercise discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Anil Bhimrao Lakade 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.)