



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.868 OF 2024**

Kailash Madhav Deshmukh

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Viresh Purvant with Mr. Suraj Gadkari for Applicant

Mrs. Mahalaxmi Ganpathy, APP for State.

API Shri Mangesh Jamdade, Shivaji Park Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 24 JULY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.80 of 2023 registered with Shivaji Park Police Station for the offences punishable under Sections 120B, 420, 465, 467, 458, 471 and 511 of the Indian Penal Code, 1860.
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 Dinesh P. Taksale (A1) was issued. His mother Nandabai was the nominee.
4. On 14 March 2017 – Zumberbai Waghmode (A5) impersonated as Nandabai, the mother of accused No.1 and filed a death claim. It was claimed that Dinesh (A1), 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 Dinesh (A1) 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 that of Dinesh (A1) and, on that basis, after obtaining a false death certificate, death claim was submitted.

6. It further transpired that the applicant was the Investigating Officer of C.R.No.142 of 2016 registered with Belwandi Police Station. The applicant had falsely shown that the deadbody of unknown person, was that of co-accused Dinesh Taksale (A1), and false and fabricated documents were prepared.

7. Learned Counsel for the Applicant submitted that the applicant was also arrested in connection with C.R.No.142 of 2016 registered with Belwandi Police Station for the offences punishable under Sections 304, 297, 467, 468, 471, 304-A, 279, 120B of the Indian Penal Code and Sections 184, 134(a)(b) and 177 of the Motor Vehicles Act. Learned Counsel invited attention of the Court to an order dated 5 March 2024 passed by the learned Additional Sessions Judge, whereby the applicant

was released on bail. Learned Counsel submitted that the applicant cannot again be arrested in connection with the very same accusation.

8. Learned APP endeavoured to explain away the position by submitting that C.R.No.80 of 2023 was registered against Dinesh Taksale (A1) and others and on the basis of the investigation therein, the applicant came to be arrested in C.R.No.142 of 2016 registered with Belwandi Police Station.

9. In any event, the accusation against the applicant is primarily that of preparing false and fabricated record in the course of investigation. The applicant was arrested in connection with the said accusation and had since been released on bail. In the aforesaid view of the matter, the applicant has made out a prima facie case for grant of pre-arrest bail. The applicant has roots in society to tie him down to his place of employment and residence. Possibility of tampering with evidence and threatening the witnesses is remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

10. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) In the event of the arrest of the Applicant – Kailash Madhav Deshmukh in connection with C.R.No.80 of 2023 registered with Shivaji Park Police Station, Mumbai, the Applicant be released on bail on furnishing a PR bond in the sum of

Rs.30,000/- with one or two sureties in the like amount.

(iii) The Applicant shall co-operate with the investigation and report to Shivaji Park Police Station on every Saturday between 10.00 a.m. to 2.00 p.m., for a period of one month.

(iv) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail.

(N.J.JAMADAR, J.)