IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2109 OF 2024

Vijay Thomas	…	Applicant
vs.		
The State of Maharashtra	…	Respondent

Mr. Rahul S. Kadam for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

CORAM : MANISH PITALE, J.
DATE : 16th AUGUST, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is one of the accused persons concerning FIR No.0263 of 2024 dated 05.06.2024 registered at Vimantal (Airport) Police Station, District Pune City for offences under Sections 408, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The informant is an employee of an insurance company, wherein the applicant and the other co-accused persons, were also the employees. As per the statement of the informant, misappropriation of amounts concerning 97 insurance policy holders to the tune of ₹ 2.23 crores took place for which the accused persons are responsible. The applicant is specifically named as an accused person.

4. The learned counsel for the applicant submits that a perusal of the statement of the informant would indicate that the sequence of events stated therein appears to be unbelievable and the allegations made against the applicant are non-specific and hence, the applicant may be granted relief as he is ready to co-operate with the investigation. It is submitted that the Sessions Court has erred in making certain observations, which appear to go beyond the *modus operandi* indicated in the statement of the informant itself.

5. On the other hand, the learned APP has vehemently opposed the prayer made in the present application, on the ground that the scam involves a huge amount and that the insurance company has been duped, due to conspiracy hatched by the accused persons, including the applicant.

6. This Court has perused the statement of the informant, leading to registration of FIR. The statement gives the sequence of the events as to how discrepancies came to light, when an in-house enquiry was conducted by the office of the insurance company. It was found that when the regulatory body i.e. the Insurance Regulatory and Development Authority gave directions for expeditious processing of insurance claims, in the backdrop of the Covid-19 pandemic, fictitious documents were prepared in the names of the policy holders, who had never been hospitalized and who had never taken treatment. Some of the insurance claims were shown to be in defects and then, they were clandestinely shown as having been cured of defects and such claims were paid in an expeditious manner. It is specifically alleged that the accused persons, including the applicant, were involved in such creation of documents and eventually, the amounts were transferred to the policy holders in 97 such cases, with further allegation that 10% of such

amount was held by the policy holders and remaining 90% was distributed amongst the accused persons, including the applicant. The extent of scam is stated to be about ₹ 2.23 crores.

7. This Court is unable to agree with the contention raised on behalf of the applicant that there is no specific allegation against the applicant or that the narration of events appears to be unbelievable.

8. As noted hereinabove, the informant has specified the time period of the scam as well as the *modus operandi* adopted by the accused persons in the present case.

9. It is crucial to note that the Sessions Court perused the investigation papers and found the statements of witnesses, including the policy holders, who stated that they were never hospitalized and yet, they were reimbursed by the insurance company.

10. In the face of such observations, no case is made out for granting anticipatory bail. The application is rejected.

(MANISH PITALE, J)

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2024.08.16 18:39:06 +0530 ***Priya Kambli***