

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4465 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.2 and 5 in Crime No.117 of 2024 of Central Crime Station, Hyderabad registered for the offence punishable under Sections 406, 409, 418, 420, 468 read with Section 120-B of the Indian Penal Code (IPC).

2.1 The case of prosecution in brief is that the *de-facto* complainant has filed the complaint on behalf of Care Health Insurance Limited (hereinafter referred to as "Insurance Company") to the police stating that the Insurance Company formerly known as Religare Health Insurance Company Limited, has its branch office at City Centre No. 3-6-140, 2nd floor, No. 201, Himayath Nagar, Hyderabad. The Company is duly incorporated under the Companies Act, 1956, and licensed by the Insurance Regulatory Authority of India to carry on the business of health insurance in India. He further stated that the respondents fraudulently solicited two group insurance policies to Policyholders named AMR Agro Foods India Private Limited with Policy number 34581042 (from 04.10.2021 till 03.10.2022) and Inlet Solutions with Policy number 43326379 (from

08.06.2022 till 07.06.2023) and fraudulently added patients with pre-existing critical illnesses as employees of these policyholders. However, they were not employees of these corporate policyholders and were fraudulently shown as employees only to take advantage of insurance benefits and commit fraud and cheating with the Company. It was brought to the knowledge of the Company that the respondents issued two group insurance policies to Policyholders named AMR Agro Foods India Private Limited and Inlet solutions. They obtained details of patients with critical and prolonged illnesses from contacts in concerned hospitals. The Respondent contacted such patients and lured them to be also sent for verification of Corporate wherein he colluded with other accused persons for personal financial gain and helped them in covering up the insurance fraud.

2.2 It is further stated that the company has paid a total claim amount of Rs.89,50,997/- for claims in AMR Agro Food India Private Limited having policy number 34581042. The company has also paid a total claim amount of Rs.14,12,323/- for claims in Inlet Solutions having Policy Number 43326379. It is important to note that this group insurance policy can only be issued to those persons having an employer-employee relationship with the Policyholder Corporate, and these group insurance policies were issued under fraud and misrepresentation by the respondents who fraudulently showed

patients as employees of Policyholder corporate. The company has suffered a financial loss and reputational loss a total amount of Rs.1,03,63,320/- due to the commission of Fraud and cheating by the respondents, and they have prepared forged documents under a deep-rooted conspiracy for unlawful gain and used these forged documents for the commission of offenses of cheating, fraud, dishonest misrepresentation with Care Health Insurance Limited causing a loss of a total amount of Rs.1,03,63,320/-. Basing on the said report, the present crime was registered for the aforesaid offences.

3. Heard Mr.N.Krishna Sumanth, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners/accused Nos.2 and 5 submitted that the petitioners have not committed the alleged offence and they were falsely implicated in the present crime. He further submitted that the ingredients of Section 409 of IPC are not applicable to the petitioners and except the said offence, all the offences levelled against the petitioners are to be punished with imprisonment below seven years. The petitioners came to know about the pendency of the present case only when accused Nos.1 and 3 were arrested. He further submitted that the petitioners are not having any criminal antecedents and material part of the

investigation is completed and the petitioners are ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners and other accused have committed a grave offence and misappropriated the huge amount pertaining to the medical insurance policies and the investigation is not yet completed and therefore, if the petitioners are granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that basing on the complaint lodged by the *de-facto* complainant, on 06.04.2024 the present crime was registered against the petitioners and other accused. According to the learned counsel for the petitioners, accused Nos.1 and 3 were already arrested and released on bail. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents and material part of the investigation is completed. Taking into consideration the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.2 and 5 subject to the following conditions:

- (i) Petitioners/accused Nos.2 and 5 are directed to surrender before the Station House Officer, Central Crime Station, Hyderabad on or before 11.04.2025;
- (ii) On such surrender, the Station House Officer, Central Crime Station, Hyderabad, shall release the petitioners/accused Nos.2 and 5 on bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of the said Officer;
- (iii) On such release, petitioners/accused Nos.2 and 5 shall appear before the Station House Officer, Central Crime Station, Hyderabad, on every Monday at 11:00 a.m., for a period of eight weeks, for the purpose of investigation and thereafter, as and when required by the police for investigation.
- (iv) Petitioners/accused Nos.2 and 5 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

7. Accordingly, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

J.SREENIVAS RAO, J

Date: 04.04.2025.

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