

GAHC010229082018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB 3212/2018

1:MANIK ALI
S/O JURAN ALI @ IMAN ALI, R/O ISLAMPUR, P/S KALGACHIA, DIST.
BARPETA, ASSAM.

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 30-11-2018

Heard Mr. H.R.A. Choudhury, learned Senior counsel, assisted by Ms. S. Haque, learned counsel for the petitioner and Mr. N. K. Kalita, learned Additional Public Prosecutor, Assam.

By this application under Section 438 CrPC, the petitioner, namely, Manik Ali, has prayed for pre-arrest bail, apprehending his arrest, in Barpeta Police Station Case No. 1907/2018 (corresponding to G.R. No. 4788/2018), registered under Sections 120(B)/197/198/420/406 of IPC.

It is submitted by the petitioner that he is no way connected with the case and he is a school teacher as well as a LIC Agent of Barpeta Branch and that the incident involved in said Barpeta PS Case relates to Pathsala Branch of LIC.

Perused the relevant case diary that was called for and produced today.

Pursuant to the order passed by a Division Bench of this Court in PIL No. 44/2018, an enquiry was conducted with regard to the fake and forged claim of life insurances policies, made in the name of deceased persons with various insurance companies.

With regard to the case in hand, from the perusal of the case diary it is seen that one Nawab Ali, son of late Monser Ali of village Kadong, Police Station –Kalgachia of Barpeta District died on 14.04.2014 in FAAMC Hospital at Barpeta due to electrocution. At the time of his death, said Nawab Ali already had a Life Insurance Policy of Rs. 1,00,000/- with LIC of India since 14.08.2013 and after his death, wife of said Nawab Ali, Ms. Mofida Khatun through his brother-in-law, Ekabbor Ali, son of Ibrahim Ali of Mohammadpur, Police Station - Barpeta collected the said assured amount.

After the death of said Nawab Ali on 14.04.2014, another LIC Policy in Pathsala Branch was opened in the name of said Nawab Ali, on 18.05.2014, with a sum assured value of Rs. 10,00,000/-. Later, showing him to be dead on 24.08.2014, due to head injuries, fake and forged post mortem report and documents in the name of said Nawab Ali were made by the petitioner along with other accused persons of the case, where the petitioner identified the dead body of said Nawab Ali in such fake and forged inquest and post mortem report.

Case diary also reveals that after the death of said Nawab Ali, the petitioner along with other accused persons of the case, not only opened Life Insurance Policy in the name of said Nawab Ali with the LIC of India, but also opened Life Insurance Policies in his name with Birla Sun Life Insurance, Max Life, Bajaj Allianz, HDFC, IDBI, SBI Life etc. and also withdrawn the insurance policy amount in the name of said Nawab Ali, which were made falsely with the fake and forged documents and post mortem report, with the signature of the petitioner and other accused persons of the case, including Ms. Mofida Khatun and Ekabbor Ali, wife and brother-in-law respectively, of said late Nawab Ali and thereby, mis-appropriated more than Rs. 1.19 Crores of public money.

Case diary also reveals that the petitioner, being an insurance agent, is involved in many such frauds in making fake and forged insurance policies in the name deceased person and in assisting other accused persons of the cases, thereby misappropriated huge amount of public money towards his wrongful gain.

Case diary further reveals that the petitioner by making fake and forged insurance policies in the name deceased persons, got major share of such misappropriated claim amount, which were deposited in his bank account by the illegal beneficiaries, including the wife and brother-in-law of said late Nawab Ali. It is also seen that only a small percentage of such illegal share of claim was given to

Ms. Mofida Khatun, the wife of said late Nawab Ali, in her bank account.

Finding sufficient incriminating materials in the case diary, against the petitioner, with regard to his involvement in the alleged crime, this Court is of the opinion that it is not a fit case to grant pre-arrest bail to the petitioner in said Barpeta P.S. Case No. 1907/2018 and therefore, this anticipatory bail application of the petitioner, Manik Ali, in said Barpeta P.S. Case No. 1907/2018 stands rejected.

Return the case diary.

JUDGE

Comparing Assistant