

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1502 OF 2015

VILAS S/O KISANRAO HADE
VERSUS
CENTRAL BUREAU OF INVESTIGATION AND ANOTHER

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Advocate for Applicant : Mr. Salunke Sudarshan J.
Advocate for Respondent No.1 : Mr.Alok Sharma.
APP for Respondent No.2: Mr.A.S.Shinde.

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CORAM : **V. M. DESHPANDE, J.**
DATE : 09th April, 2015.

Per Court:

1 By the present application, the Applicant is praying for relief under Section 438 of the Code of Criminal Procedure since the Applicant is apprehending his arrest in connection with Crime No.RC Pune/2014/A009, registered with C.B.I., A.C.B. Pune, for the offences punishable under Sections 409, 465, 471 and 420 read with Section 468 of the Indian Penal Code and Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2 I have heard Mr.S.J. Salunke, learned counsel for the Applicant, Mr.Alok Sharma, learned counsel for the Central Bureau of Investigation and Mr.A.S.Shinde, learned Additional Public Prosecutor for the State.

3 I have heard the submissions of the learned counsel for
respective counsel in detail. Reply on behalf of Central Bureau of
Investigation is also filed on record.

4 The present Applicant is holding a post of Sub-Post Mater
of Sub-Post Office, Dindrud, District Beed. The Applicant is working
on the said post since 2012 and there is no dispute about the fact that
at the said Sub-Post Office, the present Applicant is the controlling
Authority. The entire work of the said Post Office is performed under
the supervision of the present Applicant. Undisputedly, the nature of
duties of the present Applicant involves not only supervision, but also
to check all the happenings in the said Post Office. Every transaction
that occurs in the said Sub-Post Office has to have concurrence from
the present Applicant and this aspect, which is pointed out by the
learned counsel for the Central Bureau of Investigation, is not at all
disputed by the learned counsel for the Applicant.

5 Due to the happening of certain events, the internal inquiry
was conducted since *prima-facie* there was embezzlement of the
amount in respect of various schemes implemented by the Post Office
at Dindrud. During the inquiry, it was realized that the Postal Assistant
by name Nitin Shinde at the said Dindrud Sub-Post Office, during

period, when the present Applicant is working as Sub-Post Master, has misappropriated the public money to the tune of Rs.62,00,000/-. It was found that the amount invested by numerous persons in the various schemes of the Post Office such as Post Office Saving Bank, Monthly Income Scheme, Time Deposit Accounts etc. is misappropriated. Said Nitin Shinde then absconded from the duty. Therefore, the Inspector of Post Office, Beed Division one Mr.S.N.Ambekar, lodged a report with the Central Bureau of Investigation. The said was lodged on 26th April, 2014, resulting into the registration of the offence with the Central Bureau of Investigation, which was registered as Crime No.RC Pune/2014/A009. It is reported that the said Nitin Shinde is in jail.

6 The learned counsel for the Applicant submits that apprehension was created in the mind of the present Applicant that he will be apprehended in connection with the said crime when he received a communication dated 9th January, 2015, from the Central Bureau of Investigation, Anti Corruption Branch, by which the Applicant was called that he may attend Special Court, at Majalgaon on 13th January, 2015 in respect of Case RC 0009(A)/2014, CBI, ACB. Therefore, an application was moved by the Applicant for grant of anticipatory bail before the learned Additional Sessions Judge, at Majalgaon, District Beed. The said application was registered as

Miscellaneous Criminal Application No.16 of 2015. After the long deliberation on the said application, the learned Additional Sessions Judge on 16th February, 2015, rejected the application for anticipatory bail filed by the present Applicant. Hence, the Applicant has approached this Court.

7 After hearing the learned counsel for respective parties and after perusing the reply filed on behalf of Central Bureau of Investigation, it is clear that the amount, which was deposited by various persons in the schemes of the Post Office, has been misappropriated. It is to be noted that Sub-Post Office, Dindrud, is hailing from District Beed of Marathwada region. It is a common knowledge that the resident and depositors of this post office are mainly poor persons who may not be financially well off. They have deposited their hard toiled money in such schemes with a hope that in the future they will get the handsome return of their investments, which they have deposited with an utmost faith.

8 The present Applicant being the Sub-Post Master and being the head of the said Sub-Post Office, was custodian of such deposits. According to me, he was not merely a custodian of money, but he was also to see that the faith reposed by numerous persons in the post office is duly maintained and their faith is not shattered.

9 Since, it is the duty of the present Applicant to supervise and check the happenings in the Post Office, the statement that the accusations made against the present Applicant by the Central Bureau of Investigation that unless the present Applicant is in connivance with said Nitin Shinde, such huge misappropriation cannot happen or cannot take place.

Rs.62,00,000/- may not be a very big amount if it is considered in respect of the post offices at metropolitan cities. However, the said amount is a huge amount in respect of post office of remote city like Dindrud.

The Applicant was asked by the Central Bureau of Investigation to attend the Special Court. It is for the Central Bureau of Investigation either to arrest or not to arrest the present Applicant. However, surely the present Applicant has completely failed to point out any case in his favour for grant of any discretionary relief from this Court.

10 In that view of the matter, the application needs to be rejected. Hence, the criminal application is rejected.

[V. M. DESHPANDE, J.]