

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1126 of 2018**

- Vijay Kumar Jangade S/o Shri Prem Lal Jangade Aged About 28 Years Occupation- Postal Assistant, Post Office- Ambikapur, District- Ambikapur, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Incharge Station Officer, Police Station, Korea, District- Korea, Chhattisgarh

---- Respondent**MCRCA No. 1137 of 2018**

- Hridyanand Patel S/o Shri Prahlad Patel Aged About 51 Years Occupation- Postal Assistant, Superintendent Of Post Office Baramkela, District- Raigarh, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Incharge Station Officer Janakpur, Police Station Janakpur, Korea, District- Korea, Chhattisgarh.

---- Respondent**MCRCA No. 1139 of 2018**

- Dileshwar Singh Chandra S/o Lt. Shri Vishnu Dayal Chandra Aged About 50 Years Occupation- Sub Post Master, Punjipatra, Raigarh, District- Raigarh, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Incharge Station Officer, Janakpur, Police Station- Janakpur, Korea, District- Korea, Chhattisgarh

---- Respondent

MCRCA No. 1144 of 2018

- Jeewan Lal Patel S/o Shri Pila Ram Patel Aged About 38 Years Occupation - Sub- Post Bhatgaon, Surajpur, District - Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge Station Officer, Janakpur, Police Station Janakpur, Korea, District - Korea, Chhattisgarh.

---- Respondent

MCRCA No. 1149 of 2018

- Smt. Sarojini Minj W/o Shri Vijay Minj Aged About 54 Years Occupation- Sub Post Master, Sub Post Office. Manora, Jashpur Nagar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Incharge Station Officer , Police Station, Janakpur , District Korea (C.G.),

---- Respondent

MCRCA No. 1194 of 2018

- Baren Bara W/o Shri Santosh Bara Aged About 60 Years Occupation Retired Post Master, Ambikapur, R/o Godhan Ambikapur, Dist- Ambikapur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Station Officer, Police Station Janakpur, District Korea Chhattisgarh.

---- Respondent

MCRCA No. 1221 of 2018

- Smt. Aruna Beck W/o Belarmin Beck Aged About 45 Years Occupation Sub Post Master, Ambikapur Court, Ambikapur Chhattisgarh R/o Near Housing Colony, Namanakala, Ambikapur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Station Officer, Police Station Janakpur, District Korea Chhattisgarh.

---- Respondent

MCRCA No. 1267 of 2018

- Uma Shankar Uraon S/o Shri Fagulal Uraon Aged About 29 Years Occupation Postal Assistant Head Post Office Raigarh R/o Village Sariya Tahsil Baramkela Raigarh District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Station Officer Police Station Janakpur, District Korea Chhattisgarh.

---- Respondent

MCRCA No. 1270 of 2018

- I. Ekka S/o Shri Ilaus Ekka Aged About 62 Years Occupation- Ex Postal Assistant, Head Post Office, Ambikapur. R/o Post- Bhagwanpur, Old Age Home Road, Ambikapur, District- Ambikapur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through In-Charge Station Officer, Police Station- Jankpur, District- Korea, Chhattisgarh.

---- Respondent

MCRCA No. 1272 of 2018

- Smt. Savita Banjare W/o Shri Daduram Banjare Aged About 45 Years Occupation Ex Postal Assistant Ambikapur, District Ambikapur Chhattisgarh R/o Mudpar Post Kanasda Via Sheorinarayan Tahsil Nawagarh District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge Station Officer Police Station Janakpur

District Korea Chhattisgarh.

---- Respondent

MCRCA No. 1274 of 2018

- Meghnath Sidar S/o Late Shri Sunau Ram Sidar Aged About 29 Years Occupation Postal Assistant Manendragarh R/o Lochan Nagar, Ward No. 25, Raigarh District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge Station Officer Police Station Janakpur District Korea Chhattisgarh.

---- Respondent

MCRCA No. 1278 of 2018

- Smt. Alka Dubey W/o Shri Sanjay Dubey Aged About 49 Years Occupation Postal Assistant, Sub Post Office, Ambikapur, Chhattisgarh R/o Near Mission Hospital, Kedarpur, Surguja Ambikapur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Station Officer, Police Station Janakpur, District Korea Chhattisgarh.

---- Respondent

For Applicants	:	Ms. Deepali Pandey, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/10/2018

1. Since all these anticipatory bail applications are arising out of the same crime number therefore, they are being heard together and decided by this common

order.

2. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants apprehending their arrest in connection with Crime No. 55/2017 registered at Police Station Janakpur, Korea, District Korea (C.G.) for the offence punishable under Sections 409, 420, 467, 468, 471, 34 IPC.
3. As per the prosecution case, the present applicants were working in the sub-post office Janakpur and during their tenure they in connivance with Rakesh Kumar Sinha, Awadhesh Kumar Shukla and Khageshwar made withdrawal of different amount amounting to Rs.1,16,82,332/- and benefited themselves.
4. Learned counsel for the applicants would submit that the department itself has internally examined the case of all the applicants and found that there is no mens rea or criminality and it was actually done by the Rakesh Kumar Sinha and two others and the present applicants were not at all involved in the crime for which the specific communication was made to the police officers by letter dated 18.06.2018 and 08.08.2018, wherein it was found that the present applicants were not criminally involved in the case though in departmental inquiry the recoveries are being made. She further submits that now the applicants have been summoned they have been arrayed as co-accused though the criminal conspiracy or the act has not been committed by them, therefore, she prays that the applicants may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and read out the memorandum statement of Rakesh Kumar Sinha and

submits that the applicants shall not be given the benefit of anticipatory bail.

6. Perused the case-diary and also the letter dated 18.06.2018 and 08.08.2018 which are sent by Superintendent of Post Office as also the Director, wherein it is stated that prima facie it appears that the applicants were not involved in the criminal conspiracy and it was advised that no FIR is required. Considering the documents and the memorandum statement, I am inclined to allow these anticipatory bail applications.
7. Accordingly, all the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicants shall make themselves available for interrogation before the investigation officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

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