

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1421 of 2018**

Manoj Kumar Pandey S/o Shri Ramadhar Pandey Aged About
51 Years Occupation Postal Assitant, R/o Village & Post
Paraskol Via Sarangarh District Raigarh Chhattisgarh, District :
Raigarh, Chhattisgarh **--- Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Janakpur, District : Koriya (Baikunthpur), Chhattisgarh
--- Respondent

For the applicant : Mr. Deepali Pandey, Advocate.
For the State : Mr. D. R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.11.2018

1. Apprehending arrest in connection with Crime No.55 of 2017 registered at Police Station Janakpur, District Korea (C.G) for the offences punishable u/ss 409, 420, 467, 468, 471, 34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the present applicant was working in the sub-post office Janakpur and during his tenure he with the connivance with other accused Rakesh Kumar Sinha, Awadhesh Kumar Shukla, Khageshwar made withdrawal of different amounts to the tune of Rs.1,16,82,332/- and benefited themselves.
3. Learned counsel for the applicant would submit that the department itself has internally examined the case(s) of the applicant & other accused 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

applicant was not at all involved in the crime for which the specific communication was made to Police Officers by letter dated 18.06.2018 and 08.08.2018, wherein it was found that the present applicant was not criminally involved in the case though in departmental inquiry the recoveries are being made. She further submits that now the applicant has been summoned and he has been arrayed as co-accused through the criminal conspiracy or the act has not been committed by them. She further submits that similarly placed accused have been granted anticipatory bail by order dated 22.10.2018 passed by this Court in M.Cr.C(A). No. 1126/2018 and other connected matters and the case of the present applicant is akin to that of those accused who have been granted anticipatory bail, therefore, she prays that the present applicant applicant may also be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory. However, he is not able to dispute the fact that the other similarly placed accused have been given benefit of anticipatory bail.
5. Perused the case diary and also the letter dated 18.06.2018 & 08.08.2018 which are sent by the Superintendent of Post Office as also the Director, wherein it is stated that prima facie it appears that the applicants were not involved in criminal conspiracy and it was advised that no FIR is required.
6. Considering the documents and the memorandum statements and further considering the fact that

similarly placed other accused have been granted anticipatory bail by this Court on 22.10.2018 in M.Cr.C(A). No.1126/2018 and other connected matters, I am inclined to allow this application.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE