

[3158]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

WEDNESDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 889 OF 2020**

Between:

T. Saraiah, S/o. Durgaiah.

Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor High Court for the
State of Telangana Hyderabad.

Respondent

Petition under Section 438 of Cr.P.C, praying that in the
circumstances stated in the grounds filed in support of the CriminalPetition,
the High Court may be pleased to direct the Station House Officer,
Koilkonda Police Station to release the petitioner on bail in the event of his
arrest in connection with Cr.No.10 of 2020 of Koilkonda Police Station,
Mahabubnagar District

The petition coming on for hearing, upon perusing the Petition and
the grounds filed in support thereof and upon hearing the arguments of
SRI C DAMODAR REDDY Advocate for the Petitioner and the Additional
PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.889 of 2020

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/accused, seeking anticipatory bail in Crime No.10 of 2020 on the file of the S.H.O., Koilkonda Police Station, Mahabubnagar District, registered for the offences punishable under Sections 409 and 420 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that on 27.01.2020 at about 11.30 hours, the Inspector of Posts, Mahabubnagar West Sub Division gave a report to the police stating that he went to Koilkonda SO on 14.08.2019 at around 9.25 hours as per the telephonic directions of the SPO, Mahabubnagar and verified the physical cash held in the SO and only Rs.1,93,160/- is found available and there is shortage of cash to the tune of Rs.4,06,524/- with regard to SO daily transaction report, dated 13.08.2019 which was generated on 14.08.2019 and the Treasurers Cash Book in SAP and endorsement also made regarding shortage of cash on Sub Office Daily transaction report by him. But due to net work problem in SAP at Koilkonda Sub Post Office, the shortage of cash could not be charged due to unclassified payments on the same day. Later on 16.08.2019 at around 9.45 hours, he again visited Koilkonda sub post office and verified remaining

physical postage stamps/Revenue stamps/Indian Postal orders and found shortage of postage stamps worth Rs.60/- and Revenue stamps worth Rs.369/- and shortage of cash including P/S and R/S at Koilkonda Sub post office as on 16.08.2019 comes to Rs.4,06,953/-. Hence, this total shortage of cash of Rs.4,06,953/- got charged by the petitioner, who was working as SPM, Koilkonda SO. Later the statement of the petitioner was recorded, wherein he stated that he had given a letter dated 13.08.2019 to Superintendent of Post Offices, Mahabubnagar as he has remitted cash of Rs.2,00,000/- each to Garlapahad branch office and Pagidyal branch office and these amounts shown in SAP daily transaction reports, dated 13.08.2019. But it is not genuine that he had remitted above said cash to both branch offices as he had no cash of Rs.4,00,000/-. Further the petitioner had stated that he had done mistake and utilized the cash for his personal purpose and he will repay the amount within four days i.e., up to 19.08.2019.

4. Learned counsel for the petitioner submits that the petitioner is an innocent person he was falsely implicated in this case on the false report given by the de facto complainant. The petitioner has not committed any offence as alleged in the report and there was no misappropriation of any amount. He further submits that the even according to the report, the petitioner has deposited a sum of Rs.2,50,000/- on 16.08.2019 and Rs.1,56,953/- along with penal interest and Normal interest of Rs.600/- on 17.08.2019

with the Post Master, Mahabubnagar Head Office and thus the petitioner has deposited the said amount of Rs.4,06,953/- along with interest. He further submits that the de facto complainant obtained letters from the petitioner under threat of removal from service by misleading him and basing on such letters, the petitioner was placed under suspension pending enquiry on 22.08.2019. He further submits that the Branch Post Masters of Garlapahad and Pagidyal branches used to collect the amount from the petitioner from Koilkonda Sub office regularly and on 13.08.2019 as usual, they informed the petitioner that they will receive that amount from the petitioner, but they did not come and receive the amount and as such, the discrepancy in the transaction of Koilkonda SO was noticed. He further submits that the petitioner is the only bread winner of his family and if he is arrested, he may lose his employment. He further submits that the prosecution has completed the investigation by recording the statements of relevant witnesses and as such, there is no question of tampering with the evidence. He further submits that the petitioner is a Government Servant in Indian Postal Department and as such, there is no question of evading the proceedings. He further submits that the petitioner is ready to furnish suitable security and abide by the conditions imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

6. Taking into consideration the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner by imposing some conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused is directed to be released on bail in the event of his arrest in connection with Crime No.10 of 2020 of Koilkonda Police Station, Mahabubnagar District, on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two local sureties for a like sum each to the satisfaction of the said Station House Officer and subject to the condition that the petitioner/accused would cooperate with the investigation Agency and would report before the above Police Station, on every Sunday between 10-00 a.m. and 5-00 p.m. till filing of charge sheet. Miscellaneous petitions, if any pending, shall stand closed.

SD/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate (Excise & Prohibition) at Mahabubnagar
2. The Station House Officer, Koilkonda Police Station, Mahabubnagar District.
3. One CC to SRI. C DAMODAR REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One Spare Copy

HIGH COURT

GSDJ

DATED:19/02/2020

ORDER

CRLP.No.889 of 2020

BAIL

