

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.196 OF 2021

Rameshwar s/o Baliram Trimale,
Age 28 years, occ : Service,
R/o Hondala, Tq. Mukhed,
Dist. Nanded.

... Applicant.

VERSUS

The State of Maharashtra
Through the Police Station Officer
Himayatnagar Police Station,
Dist. Nanded.

... Respondent.

...

Advocate for the Applicant : Mr. Ganesh P. Shinde
APP for the Respondent – State : Mr. A. V. Deshmukh

...

CORAM : V. G. BISHT, J.

DATE : 26th AUGUST, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.0016/2021 registered with Himayatnagar Police Station, District Nanded for the offences punishable under Sections 420 and 409 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that Vishwanath s/o Nagorao Padme, Post Inspector, Bhokar Post Office, District

Nanded approached the Himayatnagar Police Station, District Nanded and lodged a complaint alleging therein that, while the applicant was serving as Branch Post Master at Virsani Branch Post Office though he had accepted amounts from SSA Account Holders and made entries to that effect in the pass book, put his signatures and stamp of Post Office, but did not credit the same in the respective SSA Account and thus, misappropriated the amount to the tune of Rs. 81,000/-.

3. Mr. Ganesh P. Shinde, learned counsel for the applicant, submits that as far as the basic ingredients of Section 420 of the Indian Penal Code are concerned, those are prima-facie missing. The alleged offence involves documentary evidence and all the relevant documents are in the custody of the postal authorities. Moreover, the applicant has been terminated from the service. The applicant has no criminal antecedents and ready to co-operate the investigating officer and also to abide by all the terms and conditions that may be imposed by this Court.

4. Mr. A. V. Deshmukh, learned APP, on the other hand, would submit that the applicant has committed serious offence of the criminal breach of trust and then invited my attention to postal receipts, wherein one Ku. Aarohi Bhujangrao Ghute,

resident of Didhi, Tq. Himayatnagar had deposited Rs. 21,000/- but the applicant credited the amount of only Rs. 1,000/- and used rest of the amount for personal use. Since the investigation is in progress, it would not be desirable to give the benefit of pre- arrest bail to present applicant.

5. I have perused and gone through the investigation papers. The case of prosecution is totally based on documentary evidence. All the relevant documents are in possession of the concerned postal authorities and there is no dispute to that effect. It is also not disputed that the applicant has been terminated from the service. There are no criminal antecedents on record. In such circumstances, in my considered opinion, the present application deserves consideration.

6. In view of above, I pass the following order :-

ORDER

1. The Application is allowed.
2. Interim protection granted by this Court on 02.08.2021 is confirmed and made absolute.
- 3 Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**