

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 943 of 2021

[Gajanan S/o Baliram Ghode ..vs.. State of Maharashtra through P.S.O., Mahagaon P.S.,
Th. Mahagaon, Dist. Yavatmal]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. K. Tiwari, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 24-09-2021

The applicant is seeking bail in connection with Crime 77/2021 registered with Mahagaon Police Station, District Yavatmal for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

2. While the charge-sheet is not as yet submitted, the learned Additional Public Prosecutor Mr. Mehroz Pathan fairly states that *qua* the applicant, the investigation is complete.

3. The applicant was working as Assistant Post Master at Mahagaon Post Office within the jurisdiction of Yavatmal Head Post Office. Co-accused Yogesh Nile is

also a Assistant Post Master, who is suspended while working at Digras.

4. The crime is registered on the basis of report lodged by Balaji Jakure, Post Inspector, Yavatmal Head Post Office stating that on 30-3-2020, applicant Gajanan Ghode sent a message to the Superintendent of Post, Yavatmal to the effect that on 28-3-2020, 460 Money Orders to the tune of Rs. 23,00,000/- were issued by mistake and they be stopped immediately. Enquiries revealed that 460 Money Orders were forwarded to Digras Post Office and Savali Sadoba Post Office to 19 persons aggregating Rs. 23,00,000/-. The money orders were stopped and the statement of applicant was recorded in which the applicant asserted that there was a dispute between him and co-accused Yogesh Nile and taking advantage of the fact that Yogesh Nile had access to the password, it was he who fraudulently posted 460 Money Orders with commission of Rs. 1,50,000/- and that during the inspection made by Incharge Inspector

Smt. Arti Ganvir, amount of Rs. 24,15,000/- was shown short in the balance amount of the Post Office.

5. While the prosecution case is that the applicant connived with co-accused Yogesh Nile, considering the circumstances on record, I am inclined to grant bail.

6. It was the applicant who brought the issuance of fraudulent money orders to the notice of the Head Post Office. Pursuant to the intimation given by the applicant, the money orders were stopped thus preventing any loss to the State exchequer. It is not the case of the prosecution that there is any money trail or any other material to show any nexus between the applicant and 19 prospective beneficiaries to whom the money orders were sent.

7. The applicant is a Government servant and there is no possibility that he would not be available to face the trial. The applicant appears to have unblemished service record till the registration of crime in question.

8. The application is allowed.

9. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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