

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

CRIMINAL APPLICATION (BA) NO. 1139 OF 2021

(Yogesh s/o Ashok Nile ..vs.. The State of Maharashtra, through PSO, PS Mahagaon, Yavatmal)

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

Court's or Judge's orders

Mr. A. Deshmukh, Counsel for the applicant,
Mr. N.S. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 18-11-2021

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

2. The investigation is complete and the charge-sheet is filed.

3. Co-accused Gajanan Ghode was working as Assistant Post Master at Mahagaon Post Office within the jurisdiction of Yavatmal Head Post Office. The applicant is also an employee of the post department and was suspended while working as Assistant Post Master at Digras.

4. Co-accused Gajanan Ghode sent a message to the Superintendent of Post, Yavatmal that on 28-3-2020, 460 Money Orders for Rs.23,00,000/- (Rupees Twenty Three Lakhs) 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 in favour of nineteen persons. The Money Orders were stopped. The co-accused claimed in the statement that he was framed by the applicant taking undue advantage that the applicant had access to the password.

5. The co-accused is released on bail. It would be ultimately for the trial Court to ascertain on the basis of evidence adduced whether the applicant framed the accused or that both the accused acted in collusion or in connivance or it is the co-accused who committed misconduct, if at all.

6. At this stage, I am inclined to grant bail since no purpose shall be served by continuing incarceration.

7. It is not even the case of the prosecution that the applicant is a flight risk.

8. The application is allowed.

9. The applicant shall be released on bail on furnishing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.

10. The applicant shall not tamper with the evidence

or make any attempt to influence the witnesses, directly or indirectly.

11. The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

adgokar