

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1340 OF 2022

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of his arrest in connection with Crime No.137 of 2021 of Nallabelli Police Station, Warangal District, registered for the offences punishable under Sections 420, 406 and 409 of IPC.

2. A report was lodged by the *de facto* complainant-Postal Inspector, Narsampet Sub-division, stating that the petitioner, who was working as Branch Post Master at Govindapur Branch of Nallabelli Mandal, has collected money from the victims for the period 2015-2020 and used the money for his own needs, without submitting it to the postal department. Basing on the said report, the present crime is registered.

3. Heard Mr.Veera Babu Gandu, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the incidents, which have occurred between 2015 and 2020, was reported on 11.11.2021. He submits that the petitioner is unconnected with any of those allegations and he has not misused any of the amounts and that the superior officers bore grudge against the petitioner in view of the earlier issues and filed the present complaint only to harass the petitioner. He further submits that in the report, it is clearly stated that the BPM, Govindapur BO has committed fraud to the tune of Rs.1,13,526/- and has voluntarily credited an amount of Rs.1,40,000/- including penal interest by 22.06.2021. The entire amounts were paid and after that the present crime is registered. It is submitted that the petitioner was already suspended and there cannot be any apprehension to the petitioner that if he is granted pre-arrest bail, he may tamper with the evidence. Hence, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and so far five witnesses were examined. He submits that the petitioner, being the Junior Branch Post Master, is alleged to have committed the offences, being a public servant, is not entitled for pre-arrest bail.

6. It is the case of the prosecution that from 2015 to 2020 certain amounts were misappropriated and by 22.06.2021 entire amount was paid along with penal interest by the petitioner and he was placed under suspension. In that view of the matter, even if the petitioner is granted pre-arrest bail, there cannot be any apprehension to the prosecution. Hence, this Court deems it appropriate to grant pre-arrest bail to the petitioner/accused.

7. Accordingly, the Criminal Petition is allowed. Petitioner/accused shall surrender before the Station House Officer, Nallabelli Police Station, Warangal District, in connection with Crime No.137 of 2021 within one week from today and on such surrender and executing a personal bond for a sum Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each

to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

Miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date : 22.02.2022

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