

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.102 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.2 and 3 in Crime No.314 of 2023 before the Borabanda Police Station, Hyderabad District, registered for the offence punishable under Section 406 of Indian Penal Code, 1860 (for short 'IPC').

2. The brief facts of the case are that a criminal breach of trust under Section 409 IPC was alleged, involving misappropriation of funds at Punjab National Bank's Currency Chest Office in Sanath Nagar, Hyderabad. A complaint was lodged on 06-11-2023 by the office manager, A. Murali Krishna, regarding discrepancies in soiled currency note remittances to the Reserve Bank of India, Hyderabad. The discrepancies revealed shortages totaling Rs. 3,09,600 in two remittances dated 09-06-2023 and 14-09-2023. Investigation, including CCTV footage, implicated A1, Shyam

Kumar Jadhav, who confessed to the theft and implicated the petitioners as co-conspirators. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri B.Kiran Kumar, learned counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent State.

4. Learned counsel for the petitioner submitted that the confession of A1, recorded under police custody, is inadmissible against the petitioners under Sections 25 and 26 of the Indian Evidence Act, 1872. He contended that there is no *prima facie* evidence against the petitioners, and the prosecution has failed to establish *mens rea* or *actus reus* against them. He lamented that mere association of petitioners with A1 does not establish guilt on their part, and there is no corroboration of A1's statement implicating the petitioners. He asserted that the inclusion of petitioners as accused is without material evidence and the same is abuse of process of law. He submitted that bail is the rule and jail is the exception. He further submitted that petitioners are Government employees who have been made accused solely

on the basis of A1's confession statement, and their arrest would cause irreparable loss and hardship to them and their families. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioners, stating that there are several discrepancies involving huge amounts and the allegations against the petitioners are of serious nature. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that initially a departmental enquiry was initiated against A1 only. The proceedings dated 16.12.2024 issued by the bank would reveal that on random checking of CCTV footage on various dates, such as, 12.07.2023, 13.07.2023, 14.07.2023, 22.09.2023 and 26.09.2023 it was found that Sri Shyam Kumar Jadhav – A1, was stealing the currency notes while sorting of notes and no other staff was found involved in the

act of stealing, as such, an internal enquiry was initiated against A1, placing him under suspension and subsequently removing him from service.

7. Except mentioning that there is possibility of some more persons being involved in the said theft of currency notes, there are no specific set of allegations leveled against the petitioners. Further, merely basing on the confession of A1, the petitioners were implicated in the case without their role being specifically specified. Considering the same, this Court grants pre-arrest bail to the petitioners, subject to compliance of following conditions:

- i. The petitioners shall surrender before the Station House Officer, Borabanda Police Station, Hyderabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on them executing a personal bond for Rs.25,000/- each, with two sureties, for the like sum each.
- ii. The petitioners shall abide by the other conditions stipulated in Section

482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

- iii. The petitioners shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.01.2025
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