

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10339 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 petitioner, who is arrayed as accused in Crime No.89 of 2025 of Narsimhulpet Police Station, Mahabubabad District.

2. The brief facts of the case are that on 12.10.2023, the de facto complainant lodged a report before the Police stating that the accused, Guvva Mahesh, was appointed as Branch Postmaster at Kommulavancha Branch Office under Narsimhulapet Sub Post Office on 08.08.2022. In his capacity, he handled deposits, withdrawals, MGNREGS wage disbursements, social security pensions, and other authorized transactions. On 08.06.2024, one account holder, Sri Aily Sheshu, lodged a complaint alleging unauthorized withdrawal of Rs.4,518/- from his savings account. During the inquiry, the Inspector of Posts, Thorrur Sub Division, verified cash and stamps and found them correct but suspected irregularities.

Further investigation revealed that another account holder, Smt. Puppala Ahalya, had deposited Rs.20,000/- on 08.01.2024, but the amount was not credited in the government account. It was also discovered that the accused had withdrawn Rs.98,000/- on 13.10.2023 from her account without her knowledge by affixing her thumb impression on the SB-7 form and forged witness signatures. In his statement dated 26.07.2024, the accused admitted misappropriating a total of Rs.1,18,000/- for personal use. The complaint was lodged by the Superintendent of Posts vide Lr.No.F4-6/2024-25 dated 04.06.2025, and the delay in reporting to the police was due to departmental investigation.

3. Heard Sri R. Giri Kumar, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the offence under Sections 420, 409, 468, and 471 IPC and had no connection with the alleged crime and that as per the complaint and FIR, the petitioner had deposited a total amount of Rs.1,81,612/- into

the account of the Sub-Post Master, Narsimhulapet S.O., and copies of the receipts were filed for the Court's perusal. He further submitted that the petitioner had not misused any amount, and the alleged offences did not attract as there was no *mens rea*, since the deposits were made under the directions of the de facto complainant even before registration of the present crime. He contended that there were no pending amounts to be recovered from the petitioner and that he is a law-abiding citizen with a good reputation in society. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioner are serious in nature. He further submitted that the petitioner misused the Government funds. The investigation was not yet completed. At this stage, granting of pre-arrest bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. In light of the submissions made by both learned counsel and upon a perusal of the material available on

record, the main allegation against the petitioner is that he misappropriated Government funds amounting to Rs.1,81,612/-. It is the specific contention of the petitioner that he has already repaid the said amount along with interest. As seen from the record, the material part of the investigation has been completed. Therefore, considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Narsimhulapet Police Station, Mahabubabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner 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 petitioner 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 20.08.2025
SAI

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Date: 20.08.2025

SAI