



2026:AHC:56202

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2091 of 2026**

Rajesh Kumar Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanjay Ojha, Swati Agrawal Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Ms. Swati Agrawal Srivastava, learned counsel for the applicant, Shri B.P. Maurya, learned A.G.A. for the State and perused the record.
3. The present application has been moved seeking anticipatory bail in Case Crime no.329 of 2025, under Section 316(5) of B.N.S., Police Station Pakbada, District Moradabad, with the prayer that in the event of arrest, applicant may be released on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that the incident is said to have taken place on 23.09.2025 and the First Information Report has been lodged on 18.11.2025 after a delay of almost two months. It is further submitted that as per postal manual, any amount in excess of Rs.30,000/- has to be transferred to the Head Office, wherein, in the present case, Rs.25,00,000/- cash has not been transferred to the Head Office. It is further submitted that, according to the Postal Rules, there is a provision for joint custody of cash, and the applicant is not solely responsible for any embezzlement. It is further submitted that, according to the Postal Rules, cash counting is mandatory at the time of office opening, and is also recounted at the time of office closing. It is further submitted that when the office opened on 23.09.2025, no discrepancy in the amount of cash was noted. It is also submitted that the applicant is having no criminal history. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall

not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

6. The applicant is an employee of the postal department and is said to have absconded with Rs.25,36,704/- and some other stamp of Rs.7830/- and the first information report has been lodged after a delay of almost two months, where as per provisions of postal manual, cash in excess of Rs.30,000/- has to be transferred to the Head Office, wherein, in the present case Rs.25,00,000/- cash has not been transferred to the Head Office. According to the Postal Rules, cash counting is mandatory at the time of office opening, and is also recounted at the time of office closing. It is also submitted that the applicant is having no criminal history.

7. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

8. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

9. The anticipatory bail application is allowed.

10. In the event of arrest of the applicant- **Rajesh Kumar Yadav** involved in the aforesaid case crime shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

11. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

March 19, 2026
RKM

(Jitendra Kumar Sinha,J.)