IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AJAY KUMAR NIRANKARI

ON THE 17th OF AUGUST, 2026

MISC. CRIMINAL CASE No. 38002 of 2026

SMT. BHAWNA RAI

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Sandeep Dubey - counsel for the applicant (through VC)

Shri B.K. Upadhyay - Government Advocate for State

ORDER

This is **first** application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by applicant for grant of anticipatory bail relating to Crime No.53/2026 registered at Police Station GRP Itarsi District Narmadapuram for the offences punishable under Sections 316(5) and 61(2) of BNS, 2023.

2. As per the prosecution case, the complainant lodged a report regarding the alleged embezzlement of cash amounting to Rs.4,47,706/-, being the sale proceeds of railway tickets sold at the Railway Ticket Booking Office during the period from 05.12.2024 to 06.12.2024 up to 23:20 hours. As per the contents of the complaint, allegations have been levelled against Kumari Rinki Patel, Assistant Chief Booking Supervisor; Bhavna Rai, Chief Booking Supervisor, Itarsi; and Anil Kumar Rai, Station Manager, alleging that the aforesaid railway employees, while on duty, had, in furtherance of a

pre-planned scheme, committed embezzlement of the said cash amount.

3. Counsel for the applicant submits that the applicant is a permanent Railway employee presently serving as Chief Booking Supervisor. She has an absolutely clean service record and no criminal antecedents. The learned Sessions Court has also recorded the absence of any criminal antecedents against the applicant. The present prosecution appears to be the outcome of a well-planned conspiracy allegedly hatched by interested persons with a view to protecting the real culprit and falsely implicating the present applicant. The allegations against the applicant are based on suspicion and conjecture, and there is no credible material demonstrating her direct involvement in the alleged offence. Admittedly, the alleged incident relates to the period from 05.12.2024 to 06.12.2024, whereas the FIR came to be registered only on 15.01.2026, i.e., after an unexplained delay of more than one year. The prosecution has failed to furnish any satisfactory explanation for such extraordinary delay, which casts serious doubt upon the genuineness of the prosecution version and warrants consideration in favour of the applicant at the stage of anticipatory bail. On the date of the alleged occurrence, the applicant was on duly sanctioned leave and was not posted at or handling the booking counter in question, nor was she handling the railway cash. The specific plea regarding the applicant's sanctioned leave has also been noticed in the order passed by the learned Sessions Court. The Railway authorities themselves conducted an inquiry and fixed responsibility upon the employee who was actually posted at the concerned booking counter and was handling the railway cash on the relevant date. The applicant was neither posted at the

said counter nor entrusted with the cash in question. Consequently, there is no material to establish any direct involvement of the applicant in the alleged shortage. The applicant and her husband have been implicated merely on the basis of suspicion, without there being any cogent or substantive material connecting either of them with the alleged shortage of Rs.4,47,706/-. The applicant is a senior government employee drawing a monthly salary of more than Rs.1,00,000/-. She has an established career and pensionary benefits and has no reason whatsoever to jeopardize her entire service career, pension and reputation for the alleged amount of Rs.4,47,706/-. The circumstances of the case, therefore, do not support the allegation of intentional misappropriation by the applicant. The applicant has no criminal antecedents and has remained available to the investigating agency. She is a permanent Railway employee and has deep roots in society, and there is no likelihood of her absconding or fleeing from the course of justice. The statements of the material witnesses have already been recorded and the investigation is substantially complete. The prosecution itself is likely to file the charge-sheet shortly. In these circumstances, custodial interrogation of the applicant is neither necessary nor warranted. The applicant undertakes to cooperate with the investigation and to appear before the Investigating Officer as and when required. She further undertakes not to tamper with the prosecution evidence or influence any witness and to abide by all the conditions that may be imposed by this Hon'ble Court while granting anticipatory bail. In view of the unexplained delay in registration of the FIR, the applicant's sanctioned leave on the relevant date, the fact that she was not handling the booking counter or railway cash, the departmental finding fixing responsibility upon the concerned employee, her clean service record and absence of criminal antecedents, and the fact that custodial interrogation is not required, the applicant has made out a fit case for grant of anticipatory bail. The applicant is ready and willing to cooperate with the investigation and, therefore, her custodial detention would serve no useful purpose. Any apprehension of the prosecution can adequately be addressed by imposing appropriate conditions upon the applicant. Considering the entire facts and circumstances of the case, the applicant deserves to be extended the protection of anticipatory bail in the interest of justice. In support of his submission counsel for the applicant has placed reliance on the judgment passed by the Supreme Court in **Gurbaksh Singh Sibba Vs. State of Punjab** (1980) 2 SCC 565, S**ushila Aggarwal Vs. State (NCT of Delhi),** reported in (2020) 5 SCC 1, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra,** (2011) 1 SCC 694 and **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273.

4. Counsel for the State opposes the application and submits that the allegations against the applicant are serious in nature, involving embezzlement of Railway cash amounting to Rs.4,47,706/-. The prosecution case is that the offence was committed pursuant to a pre-planned conspiracy involving Railway employees. Therefore, merely because the applicant was on leave on the relevant date, it cannot be said at this stage that she had no connection with the offence. Her exact role and the role of the other accused persons are still required to be investigated. It is further submitted that the applicant's plea that she was not handling the booking counter or the cash is a

matter of defence and cannot be conclusively accepted at the stage of anticipatory bail. As regards the delay in lodging the FIR, it is submitted that mere delay is not sufficient to reject the prosecution case at this stage. The circumstances relating to detection of the shortage, departmental inquiry and subsequent reporting are matters which require consideration during investigation and trial. It is also submitted that the offence concerns Railway/public money and the amount involved is substantial. The investigating agency is required to ascertain how the shortage occurred, the role of each accused, and whether there was any conspiracy between them. For this purpose, the applicant may be required to be confronted with the relevant documents, records and statements of other persons. Therefore, custodial interrogation cannot be ruled out at this stage. The fact that the applicant is a permanent Railway employee, has no criminal antecedents and has a clean service record may be considered, but these circumstances by themselves do not entitle her to anticipatory bail when serious allegations of conspiracy and embezzlement of public money are under investigation. The State therefore submits that the application for anticipatory bail deserves to be rejected in the interest of a fair and effective investigation.

5. I have heard the submissions made by counsel for parties and perused the case diary.

6. Having considered the rival submissions, this Court is of the opinion that at the stage of consideration of an application for anticipatory bail, a mini-trial or detailed appreciation of the evidence is neither permissible nor desirable. In the present case, the allegation concerns alleged

misappropriation of Railway cash amounting to Rs.4,47,706/-. The prosecution case is not confined merely to the physical handling of the cash by the employee posted at the booking counter; rather, an allegation of a pre-planned conspiracy involving Railway employees has been levelled. Therefore, the fact that the applicant was allegedly on sanctioned leave on the relevant date or was not physically handling the cash cannot, at this stage, conclusively rule out her alleged involvement in the larger conspiracy. The exact role of the applicant is a matter which requires investigation. The submission that the applicant was not posted at the concerned counter and that responsibility was fixed upon another employee in the departmental inquiry also cannot, at this stage, be treated as conclusive in favour of the applicant. Departmental proceedings and criminal investigation operate in different fields. The finding recorded in a departmental inquiry may be a relevant circumstance, but it does not by itself conclusively determine the criminal liability of another person against whom an allegation of conspiracy is under investigation. So far as the delay in registration of the FIR is concerned, undoubtedly the delay is a circumstance which requires consideration. However, mere delay in lodging the FIR, by itself, cannot be treated as sufficient to conclude at this stage that the prosecution case is false or motivated. The circumstances in which the shortage was detected, the subsequent departmental inquiry and the eventual reporting of the matter are matters which require examination on the basis of the investigation material. The contention that the investigation is substantially complete and that custodial interrogation is unnecessary also cannot be accepted at this stage. The investigating agency is required to ascertain the complete role of the accused persons, the manner in which the alleged shortage occurred, the alleged connection between the accused persons and the relevant Railway records and transactions. The applicant may also be required to be confronted with the relevant documents and statements of other persons connected with the transaction. Thus, the requirement of her custodial interrogation cannot be completely ruled out at this stage. The judgments relied upon by learned counsel for the applicant, including *Gurbaksh Singh Sibbia v. State of Punjab*, *Sushila Aggarwal v. State (NCT of Delhi)*, *Siddharam Satlingappa Mhetre v. State of Maharashtra* and *Arnesh Kumar v. State of Bihar*, lay down the principles governing the exercise of jurisdiction relating to anticipatory bail. However, the said decisions do not create an absolute right to anticipatory bail. The relief has to be considered in the light of the facts and circumstances of each case and the requirements of investigation. The Supreme Court has also emphasised the need to balance individual liberty with the legitimate requirements of investigation.

7. In the considered opinion of this Court, the seriousness of the alleged offence, the amount of Railway cash involved, the allegation of pre-planned conspiracy and the fact that the precise role of the applicant is yet to be completely ascertained during investigation weigh against the grant of anticipatory bail at this stage. Accordingly, this Court is not inclined to extend the extraordinary discretionary relief of anticipatory bail to the applicant.

8. Consequently, the present application for anticipatory bail is

hereby **rejected**.

(AJAY KUMAR NIRANKARI)
JUDGE

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