

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 509 of 2017

Shiv Kumar Sahu S/o Prem Lal Sahu, Aged About 46 Years R/o Village Pendari,
Police Station & Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Janjgir, District Janjgir
Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.195/2017, registered in Police Station – Janjgir-Champa, for alleged commission of offence under Sections 409, 420, 467 & 471 IPC.
2. Case of the prosecution, in brief, is that the applicant, forging signatures of the Sarpanch, withdrew a huge amount of Rs.11,96,000/-.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he is being falsely implicated. According to him, Sarpanch has also signed the document. He would submit that Jila Panchayat got an enquiry made in which the Enquiry Committee after seeing the report of the Bank said that according to Bank, amount was alleged to be withdrawn

after tallying the signature. He would further submit that later on writ petition WPCR No.282 of 2017 has been filed by the applicant for quashing FIR and in that case, an interim protection was granted that no coercive steps shall be taken against the applicant/petitioner.

4. On the other hand, learned counsel for the State submits that the matter is still under investigation and unless the applicant gives his sample signatures which have to be tallied with the signatures in the disputed cheque, the investigation cannot proceed further.
5. It is found that the applicant has already filed writ petition seeking quashment of FIR and according to learned counsel for the applicant, there is an interim protection that no coercive steps shall be taken against him. Thereafter, he has submitted a specimen signature in the police station also.
6. In the case diary, there is no material to show that till date any report has been obtained from the Handwriting Expert. Therefore, at this stage, I am not inclined to grant protection of anticipatory bail to the applicant. The applicant is accordingly rejected.
7. It would be open for the applicant to revive the application after the report of Handwriting Expert.

Sd/-
(Manindra Mohan Shrivastava)
Judge