

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 972 of 2020**

- Khileshwar Sahu S/o Shri Manghilal Sahu Aged About 46 Years R/o Village- Padyain, Tahsil And Police Station- Pathariya, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Pathariya, Civil And Revenue, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Mr. S.P. Kale, Advocate along with Mr. Lav Sharma, Advocate.
For Respondent/State	:	Mr. Anurag Verma, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.243/2020 registered at Police Station– Pathariya, Civil And Revenue, District : Mungeli, (C.G.) for alleged commission of offence under Section 420 of Indian Penal Code.
2. Prosecution case is that the applicant, in response to invitation of tender to certain public work has submitted his tender and along with tender documents, has submitted a Term Deposit Receipt (TDR) by way of security which later on was found to be a forged document because upon being inquired from the bank, the bank informed that no such TDR was ever issued by the bank. Therefore, prosecution allegation is that the applicant in order to obtain tender, submitted a fabricated security document of Term Deposit Receipt.
3. Learned counsel for the applicant would submit that in the present case, the applicant is being falsely implicated. He would submit that someone unknown to the applicant has played mischief by submitting tender in

the office of Nagar Panchayat, Pathariya in the name of the applicant without notice and knowledge of the applicant. The applicant does not know about the tender because he never applied for tender nor submitted any tender nor any work was awarded to him nor he is involved in any manner in the contract work. He came to know only when he learnt that an offence has been registered in the police station in his name on the report lodged by the Chief Municipal Officer of the Nagar Panchayat, Pathariya where it has been alleged that it is the applicant who submitted tender along with fabricated and forged Term Deposit Receipt. Learned counsel for the applicant would further submit that after order passed by this Court, the signature on the question document were compared with the signature of the applicant obtained by the investigating agency, and the opinion of the handwriting expert only support the case of the applicant that none of the document have tender said to have been submitted in the name of applicant- Khileshwar Sahu contained name and signature of the writing of the present applicant collected during investigation, therefore, no prima facie case is made out and entire allegation is misdirected in the present case.

4. On the other hand, learned state counsel opposes and submits that as the tender documents are in the name of the applicant- Khileshwar Sahu, the Chief Municipal Officer lodged report in the police station against the present applicant and matter is under investigation.
5. Upon prima facie consideration, it is found that while respondent's case that the applicant while submitting tender submitted a forged TDR, the applicant's stand that he never applied for any work nor submitted any tender nor obtained any work. The version of the applicant is highly probable because in the present case, this Court had directed the investigating authority to send the handwriting and signature contained in the tender document for comparison of the signature of the applicant obtained during investigation for opinion and obtain opinion of the handwriting expert.
6. The case diary shows that the handwriting expert report prima facie reveals that the signatures and writing of the present applicant obtained by the investigating authority during investigation were sent for comparison with the signature and writing of the tender document as

opined by handwriting expert, do not match.

7. Therefore, in the considered opinion of this Court, present is a fit case for grant of anticipatory bail to the applicant.

8. The bail application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that 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 from disclosing such facts to the Court or to any Police Officer.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi