

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 548 of 2019**

Natwar Lal Agrawal S/o Late Shri Harchand Lal Agrawal Aged About 60 Years R/o Baradwar Police Station Baradwar, Tehsil Sakti District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Baradwar, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Otvani, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 41 of 2019, registered at Police Station Baradwar, District Janjgir-Champa, Chhattisgarh for the offence punishable under Section 115 read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Complainant – Shailesh Kumar Rai @ Mintu Rai has given a false complaint involving the name of this applicant. On the

contrary, the applicant himself was time and again intimidated by the complainant because of which, he had filed a complaint on 19.9.2018, copy of the same is produced as Annexure-A/2 and the police has taken no action on this complaint. In the complaint against the applicant, there is no allegation of any overt act on the part of the applicant. Apart from that, the allegations made are totally false and baseless. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has earlier made a statement that this applicant had proposed to the complainant to arrange a killer for murdering one Dhruv Kumar Agrawal to which the complainant had disagreed, therefore, a clear case is made out against the applicant. Hence, the application be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. In the FIR lodged it is stated by the complainant that when he met with this applicant and co-accused – Sushil Kumar Agrawal @ Bunty, both of them made a proposition to find a killer to kill Dhruv Kumar Agrawal and thereafter, co-accused – Sushil Kumar Agrawal @ Bunty had been continuously insisting upon the complainant to arrange a killer for that purpose. Hence, the complainant was compelled to lodge this FIR.

7. As there is a direct statement against this applicant about his being a party to the conspiracy, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi