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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1213 of 2021**

- Madhu Nayar @ Raju Nayar, S/o Shri B. Nayar, aged about 46 Years, R/o Tetar, Khuti, Rajendra Nagar, Ward, Jagdalpur, Thana Bodhghat, District Jagdalpur, Bastar.

---Applicant**Versus**

- The State of Chhattisgarh, Through the Station House Officer, Police Station Bodhghat, District Jagdalpur Bastar, Chhattisgarh.

---Non-applicant

For Applicant	Shri Sunil Sahu, Advocate.
For State	Shri B.L. Sahu, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05/10/2021

1. Applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.81/2021 registered at police station Bodhghat, District Bastar, Jagdalpur, C.G. for the offence under Sections 115, 120-B of Indian Penal Code and Section 25 of the Arms Act.
2. Case of the prosecution is that on 19.03.2021 based on secret information received by police, car bearing registration No.CG07-MB-5753 was intercepted by the police. During the course of search, police seized one country made pistol along with three cartridges from the possession of co-accused Majhar Ali, who

was driving the car. During the course of investigation, when memorandum statement of the co-accused Majhar Ali was recorded, he stated that he is an employee of the applicant and it is the applicant who have given cash of Rs.1 lakh with country made pistol and six cartridges to him for honour killing of Hemant Dhruv @ Takalu. Based on the seizure and further after recording statement of other witnesses, the aforementioned offence is registered against the applicant and the co-accused Majhar Ali.

3. Shri Sunil Sahu, learned counsel for the applicant would submit that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He submits that the co-accused Majhar Ali was an employee of the applicant and he is having no any other relationship with him. The applicant has been made accused only on the basis of memorandum statement of co-accused. Hence, it cannot be stated that the applicant is *prima-facie* involved in commission of the offence. He also pointed out that about 4 years prior to alleged date of incident there was some dispute with Hemant Dhruv @ Takalu because Hemant Dhruv @ Takalu and his associates entered the house of the applicant and committed loot. The incident was reported to the concerned police station at the relevant point of time and Hemant Dhruv @ Takalu along with others were prosecuted. Since then there was no dispute of any nature of applicant with Hemant Dhruv @ Takalu for engaging the co-accused for commission of offence as alleged against him.

4. Shri B.L. Sahu, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that the applicant is having criminal past. He was earlier tried for offence under Section 302 in Crime No.47/2000 and Sections 363 & 392 in Crime No.404/1996. He submits that in the memorandum statement of co-accused, it has come that he came in contact with the applicant in jail and since then they are having friendship. After release of the co-accused from jail, he came to Jagdalpur and was engaged by the applicant in his Drinking Water Purification Plant as Manager. There was no reason for the co-accused who is working under the applicant to falsely implicate the applicant. He also reads over the statement of Hemant Dhruv @ Takalu and submits that the applicant is having enmity with Hemant Dhruv @ Takalu.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations and the material available in the case diary, I am not inclined to release the applicant on Anticipatory Bail.
7. Accordingly, the application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge