

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 651 of 2015

Amandeep Singh S/o Kalminder Singh Aged About 36 years R/o Vikas Nagar, 27
Kholi, Bilaspur, P.S. Civil Line, Bilaspur Tahsil & District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through :- S.H.O. Seepat, Bilaspur, District Bilaspur
Chhattisgarh

---- Respondent

Shri Hemant Gupta, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

31/07/2015

1. This is second application for grant of anticipatory bail. First application was dismissed as withdrawn with liberty to move application for grant of regular bail.
2. The applicant is apprehending his arrest in connection with Crime No.35/15 registered at police station Bilaspur, CG for alleged commission of offence under Section 394, 365, 34 of IPC.
3. Prosecution case is that while the vehicle was transporting truck load of coal, the applicant, along with other accused intercepted the vehicle, pulled out the driver, used criminal force, abused and thereafter looted the truck and coal therein.
4. Learned counsel for the applicant submits that the applicant cannot be held liable for alleged commission of offence because he was acting as an agent of the financier of the vehicle. The act of the applicant cannot be said to be loot but of taking possession of vehicle in terms of the agreement after giving intimation to the police. He submits that this is merely a retaking of possession of the vehicle and not a case of loot.
5. On the other hand, learned State counsel submits that the statement of the driver and Sanjay Sahu prima facie show that while the vehicle was transporting coal, the applicant and other co-accused came in, intercepted, took out the driver, assaulted, abused and the entire coal and truck was looted.

6. In view of the aforesaid allegations against the applicant, I am not inclined to grant bail. The application is therefore rejected.

Sd/-

Manindra Mohan Shrivastava
Judge

Deepti