

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 139 of 2017

- Nitesh Mahapatra S/o Rajkumar Mahapatra Aged About 20 Years R/o Khetrajpur, Near Tiwari Shiv Mandir, Police Station Khetrajpur, District- Sambalpur, Odisha. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Pithaura, District- Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. N.L. Soni, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 117/2016 registered at P.S. Pithaura, Distt. Mahasamund (C.G) for the offence punishable under Sections 394, 365 & 120-B of IPC.
2. As per the prosecution case, one Ashok Kumar who was driver of the Truck wherein Alluminium was being taken from Jharsuguda to Nagpur. He was travelling alongwith assistant driver Mukesh and Kalasi Niranjan. During transit, two persons namely Ashish and the present applicant Nitesh joined Mukesh. Thereafter, on the way they stopped the vehicle at village Sihol where the complainant/driver Ashok Kumar was assaulted by the present applicant and coaccused Mukesh and the complainant was tied and Rs.3,400/- was looted from him. Subsequently the accused tried to kidnap the complainant thereby the offence has

been committed.

3. Learned counsel for the applicant would submit that in fact some dispute took place between the complainant/driver Ashok and other persons who were travelling in the Truck which has further aggravated the incident and the Truck was being driven by Mukesh therefore, no offence is committed. He further submits that the charge sheet has been filed and the applicant is in jail since 13.08.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of the complainant who has stated that he jumped from the running Truck and shouted for help and hearing his voice, the police came there and when they tried to nab the accused, they fled away and thereafter the truck was seized.
6. Taking into such evidence available against the applicant, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**