

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8124 of 2019**

Sodi Pojje, D/o Bhima, Aged about 22 years, R/o Village Tekmetla, P.S. - Usoor,
District Bijapur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, through : P.S. - Usoor, District – Bijapur (C.G.)

----Non-applicant

For Applicant	:	Mr. P.R. Patankar, Advocate.
For Non-applicant	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****03/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 12/2018 registered at police Station Usoor, District – Bijapur (C.G.) for the offence punishable under Sections 148, 341/149, 506 Part-II, 395, 435/149 and 25(1-B)(A) of the Arms Act and Section 4B of the Explosive Substances Act.

(2) Case of the prosecution, in brief, is that on 06.11.2018 the present applicant along with other co-accused persons armed with weapons gathered at Usoor Avapalli road and created an obstruction by cutting tree, thereby stopping a bus belonging to Kushwaha travels bearing registration No. CG-17-SS-6152. The applicant along with other co-accused persons assaulted the driver of the bus as well as the passengers assaulted the driver of the bus as well as the passengers and threatened them. Thereafter, the accused persons looted Rs.25,000/- from the driver of the bus Surest Tiwari and Rs.10,000/- from

complainant Masu Netam. The present applicant and other co-accused persons set fire the bus and planted explosive substances and thereby committed the aforesaid offences.

(3) Counsel for the applicant would submit that the applicant has falsely been implicated in the crime in question as there is no incriminating evidence available on record to connect the applicant with the crime in question. He further submits that the applicant is blessed with one month child and she is in custody since 15.10.2019 and the trial is likely to take some time for its final disposal. He also submits that similarly situated co-accused person has already been granted bail by this Court and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State submits that applicant has actively participated in the crime in question and case of the present applicant is distinguishable to the other co-accused person, who has been granted bail by this Court as serious charges of looting the bus and thereafter setting ablaze the bus are levelled against her, therefore, the applicant is not entitled to be released on regular bail regular bail.

(5) Taking into consideration the nature and gravity of the offences; and the manner in which offence of looting the bus and thereafter setting the bus on fire is alleged to have been committed and the fact that case of the present applicant is distinguishable to the other co-accused person, who has been granted bail as she has actively participated in the crime in question, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

