

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8701 of 2020**

- Sunita W/o Ravindra Mohle, Aged About 30 Years R/o Idgaon, Police Station - Parsivini, District Nagpur (Maharashtra), District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh, Through - Police Station - Kotwali, District - Bastar Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Ashok Kumar Komra, Advocate.

For Non-applicant : Shri R. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.01.2021**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 14.03.2019 passed in MCRC No. 1499 of 2019 considering prima facie case against her and her second bail application was rejected by the Registry on account of peremptory order dated 14.08.2020 passed in MCRC No. 2840 of 2020.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 107/2018 registered at Police Station – Kotwali, District - Bastar (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
4. Case of the prosecution, in brief is that on 15.03.2018 at about 16.30 hours in front of Vasu Hotel at Police Outpost Bastar inspector G.R. Baghel posted at Outpost Bastar seized 86.130 Kgs. cannabis

from the joint possession of the applicant and co-accused Irshad Ali and Ravindra Mohite.

5. Learned counsel for the applicant argued that main accused Irshad Ali and Ravindra Mohite have been released on bail by the coordinate Bench of this Court, thus looking to the principle of parity the applicant who is woman may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application. He further submitted that no criminal antecedents against the applicant.

7. Earlier, on 14.03.2019 in MCRC No. 1499 of 2019 this Court has rejected the bail application of applicant on merits. Thereafter, on 16.03.2020 in MCRC No. 565 of 2020 which is annexed with the bail petition, co-ordinate Bench of this Court released co-accused Irshad Ali and Ravindra Mohite on bail.

8. The order of the co-ordinate Bench does not reveal that this aspect was considered that earlier on 14.03.2019 this Court has rejected the bail application of the applicant on merits. Hence, in the case in hand principle of parity is not applicable.

9. Looking to the facts and circumstances of the case, this Court finds that this is not a fit case wherein the applicant may be released on bail in third round of litigation.

10. Consequently, her bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE