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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 648 of 2021**

1. Aalok Sagar @ Sona S/o. Rajesh Sagar, aged about 18 years,
2. Komal Patel S/o Shyamu Patel, aged about 24 years, Both are R/o. Manjhi Mohalla, Dhanuharpara, Korba, District Korba (C.G.)

---- Appellants**Versus**

- State of Chhattisgarh, Through Thana – Kotwali, District – Korba (C.G.)

---- State/Respondent**And****Criminal Appeal No. 700 of 2021**

- Gopu Pandey S/o. Late Rakesh Pandey, aged about 30 years, R/o. Ward No. Purani Basti, Korba, Tahsil and District Korba (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh through the District Magistrate, Korba, District Korba (C.G.)

---- State/Respondent

For Respective Appellants	:	Shri Arvind Prasad and Smt. Mandwi Bhardwaj, Advocates
For Respondent /State	:	Shri Anand Verma, Dy. Govt. Advocate
For Objectors/Complainants	:	Ms. Preeti Yadav, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****31.08.2021**

1. The appeal (Cr.A. No. 648/2021) by accused/appellants Aalok Sagar @ Sona and Komal Patel under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 03.06.2021 passed by the Special Judge, ST/SC (P.A.) Act, Korba, District Korba (C.G.) in Special Criminal Case No. 26/2021, rejecting their regular bail under Section 439 Cr.P.C.
2. The appeal (Cr.A. No. 700/2021) by accused/appellant Gopu Pandey under

Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 31.05.2021 passed by the Special Judge, ST/SC (P.A.) Act, Korba, District Korba (C.G.) in Special Criminal Case No. 26/2021, rejecting his regular bail under Section 439 Cr.P.C.

3. As above both the appeals preferred by the respective appellants arise out of the same Crime Number i.e. 137/2021 registered in Police – Kotwali, District Korba (CG) for the offence punishable under Sections 147, 455, 364, 294, 323, 506 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against all the appellants, they are being disposed of by this common judgment.
4. As prosecution case, complainant Vijay Sarthi lodged a report stating that on 24.02.2021 about 09:00 am, the present appellants and other co-accused persons entered into his house and used filthy language in the name of his caste and assaulted him, his brother Santosh Sarthi and other family members. Thereafter, accused/appellants took him and his brother Santosh Sarthi in black coloured Aactiva and motorcycle to Itwari Bazar and there accused persons also assaulted them. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the appellants.
5. Learned counsel for the respective appellants submit that the appellants are innocent person, have been falsely implicated in this case. They submit that appellants are in jail since 24.02.2021 and 09.05.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the appellants be released on bail.
6. Learned counsel for the State opposing the submission made by the appellants' counsel submits that the trial Court has rightly rejected the bail applications of appellants and there is no illegality or infirmity in the same

warranting interference by this Court.

7. On the last date of hearing i.e. 12.08.2021 victim Vijay Sarthi was present in person before Help Desk of this Court and stated that he has no objection to grant of bail to appellants- Gopu Pandey and Komal Pandey by this Court, but he raised objection to grant of bail to appellant Aalok Sagar @ Sona,
8. Learned counsel for the victims/complainants appeared on behalf of the victims/complainant submits that now the victims have no objection to grant of bail to appellant Aalok Sagar @ Sona also and both the parties have amicably settled/compromised the dispute.
9. Heard learned counsel for the parties.
10. Considering the facts and circumstances of the case, the fact that as per counsel for the victims/complainants, she submitted that both the parties have amicably settled/compromised the dispute, that considering the detention period of appellants who are 18, 24 & 30 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time and there is no apprehension of the appellants tampering with the evidence or absconding, without expressing any opinion on the merits of the case, this Court is of the opinion that present are the fit cases for grant of bail to the appellants. Accordingly, the appeals are allowed.
11. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial.

- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

12. In the result, Cr.A. No. 648/2021 & Cr.A. No. 700/2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

vatti