

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1198 of 2021**

- Visal Das @ Chhotu Bod S/o Mukrit Das Aged About 28 Years R/o Nim Chowk, Purani Basti Korba Town, District Korba Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kotwali, Korba Town, District Korba Chhattisgarh

---- Respondent

For Appellant : Ms. Mandavi Bhardwaj, Advocate

For Respondents/State : Shri Ashutosh Mishra, PL

For Complainant : Ms. Preeti Yadav, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****15/12/2021**

1. Heard.
2. The present appeal is arising out of order dated 03.06.2021 passed by the Special Judge (Atrocities), Korba in Special Criminal Case No.26/2021 (B.A. No. 383/2021).
3. The appellant has preferred this appeal for grant of bail as he is arrested in connection with Crime No.137/2021 registered in Police Station Kotwali, Korba, District Korba (C.G.) for offence punishable under sections 147, 455, 364, 294, 323, 506 of Indian Penal Code, 1860 and under Section 3(2)(5) of the Scheduled Castes, Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, complainant Vijay Sarthi lodged a report stating that on 24.02.2021 about 09:00 am, the present appellant 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/appellant took him and his brother Santosh Sarthi in black coloured Aactiva and motorcycle to Itwari Bazar and the co-accused persons also assaulted them. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the appellant.
5. Learned counsel for the appellant would submit that the co-accused persons namely Alok Sagar @ Sona, Komal Patel and Gopu Pandey have been enlarged on bail by the co-ordinate Bench of this Court in CRA Nos. 648 & 700 of 2021 and the case of the present appellant is same and the compromise has been effected in between the parties, therefore, the appellant may be enlarged on bail.
6. Learned State counsel as well as counsel for the complainant are not able to dispute the fact that the similarly placed co-accused have been enlarged on bail by the co-ordinate Bench.
7. Considering the fact that the aforesaid co-accused have been enlarged on bail by the co-ordinate Bench which is not disputed by the State counsel or complainant, as also the fact that the case of the appellant and the similarly placed co-accused is on the similar footing and no objection is given by the complainant and also taking into that the appellant is in jail since 24.02.2021, I am inclined to allow this appeal.
8. Accordingly, the order impugned passed by the Court below is set aside.
9. The appellant is directed to be released on bail on his executing a personal

bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu