

ITEM NO.38

COURT NO.4

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).3170/2019  
(Arising out of impugned final judgment and order dated 06-03-2019  
in MCRC No.268/2019 passed by the High Court of Chhatisgarh at  
Bilaspur)

DANESHWAR KUMAR SAHU

PETITIONER(S)

VERSUS

THE STATE OF CHHATTISGARH

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.57109/2019-EXEMPTION FROM FILING  
O.T.)

Date : 02-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr.Sameer Shrivastava, AOR  
Mr.Sachin Pujari, Adv.

For Respondent(s)

Mr.Sumeer Sodhi, AOR  
Mr.Ashish Tiwari, Adv.  
Mr.Sherick Dhingra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr.Sameer Shrivastava, learned counsel for the  
petitioner and Mr.Sumeer Sodhi, learned counsel appearing  
for the respondent.

It is submitted by learned counsel appearing for the  
petitioner that the accused has received the injuries as  
mentioned in the medical report (R-1) filed by the State.  
The report of incident was lodged earlier in point of time  
by the accused. The report by the complainant has been  
made as a counter blast on the next morning at 9.30 a.m.  
There is maximum allegation of catching hold of the hand

only; no overt misdemeanor is alleged which may attract provisions of S.C. & S.T. (Prevention of Atrocity) Act and Protection of Children from Sexual Offences Act, 2012 for which offence has been registered when there is no such overt act. It appears to us that offence punishable under the aforesaid Acts, *prima facie*, may not be made out against the accused under the aforesaid circumstances. This we observe without meaning to comment on merits of the case.

In view of the aforesaid fact situation, we are inclined to allow this petition. In the event the accused is arrested, he shall be released on bail on his furnishing bail bonds in the sum of Rs.15,000/- with one surety in the the like amount to the satisfaction of arresting officer.

The special leave petition is, accordingly disposed of. Pending applications, if any, stand disposed of.

(Ashok Raj Singh)  
Court Master

(Jagdish Chander)  
Court Master