

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1259 of 2015**

Kamlesh Singh Vaishya S/o Shri Prem Singh Vaishya Aged About
25 Years Caste Vaishya, Occupation Business, R/o Village
Siddhikala, Post Tiwara, P.S., Tahsil & District Singhpouri M.P.

---- Applicant

Versus

State Of Chhattisgarh S/o Through : The Station House Officer,
Police Station Odagi, District Surajpur Chhattisgarh

---- Respondent

For applicant – Shri Yogesh Chandra, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****18/12/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.95 of 2015, registered at Police Station Odagi, District Surajpur (C.G.) for offence punishable under Section 370 of Indian Penal Code and Section 3/14 of Child Labour Act (Section 324 of IPC wrongly mentioned in impugned order).
2. According to the case of prosecution, on 3/11/2015. a report was made by Dilmohan Singh, the father of Santan Singh that his boy aged about 12 years was studying in Class-7, went out without any information. Subsequently, it came to his notice that present applicant Kamlesh on the pretext that he would lodge in better school, he left the son of the complainant in the house of Lalit Sarathi and instead of study, he was engaged in work of shepherd and the amount has also not been paid to him.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case as the boy has left the house and thereafter of his own he went to the house of Lalit Sarathi. He further submits that

co-accused Lalit Sarathi has been granted anticipatory bail by this court in M.Cr.C. (A) No.1234/2015, therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary. Perusal of the case diary reveals that victim boy was taken by this applicant and was left in the house of Lalit Sarathi, therefore the allegation of applicant is different to that of Lalit Sarathi and it is not a case this applicant has given shelter to this victim. Considering the role played by this applicant allegation over Lalit Sarathi are different to that of the applicant. Taking into account the allegations made, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE