

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 165 /2016

Lakesh Kumar Kesharwani, S/o. Baldau Kesharwani, Aged About 22 Years, R/o. Parsada Kisan, P.S. Masturi, Tahsil Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Thana Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Suresh Kumar Verma, Advocate

For Respondent : Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

29/02/2016

1. Apprehending arrest in connection with Crime No.17/2016 registered at Police Station- Masturi, District Bilaspur (C.G.) for the offence punishable under Section 354, 354(D), 294, 506, 323 read with Section 34 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 10.01.2016 while the complainant was standing outside her house, the applicant along-with other co-accused came there and asked for one Gangotri and when she refused to divulge the whereabouts, the applicant misbehaved with complainant/victim and was manhandled by the applicant and thereafter tried to outrage her modesty and dragged her to some distance and when the husband of the victim came to rescue, he was beaten whereby he received lacerated wound along with other injuries. Thereby, the offence has been committed.
3. Learned counsel for the applicant submits that the main accused in this case is Yashwant Kumar, who has been enlarged on regular

bail and the applicant has been falsely implicated in this case, therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the victim and her husband as also the medical report. Taking into consideration the statement of the victim and her husband as also the medical report, I am not inclined to enlarge the applicant on anticipatory bail, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge