

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.1047 of 2015**

- Lala Kashyap, son of Ram Avatar Kashyap, aged 26 years, R/o Ganesh Chowk, Kashyap Mohalla, Sarkanda, P.S. Sarkanda, District Bilaspur (Chhattisgarh)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Masturi, District Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Devesh Chandra Verma, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****30/10/2015**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 451 of 2015, registered in Police Station Sarkanda, Bilaspur (CG), for offence punishable under Sections 456, 354 of the IPC and 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that on 14.09.2015 when the prosecutrix was sleeping the applicant unauthorisedly entered her room and pressed her breast and thereby committed the offence.
3. Mr. Devesh Chandra Verma, learned counsel appearing for the applicant would submit that on account of some dispute between him and the brother of the prosecutrix, he has been falsely roped into the case; at the time of incident there was darkness and in that event any person, taking advantage of darkness, might have entered the house and the prosecutrix and her family members wrongly identified the person as applicant; there is no incriminating material found against the applicant and in order to involve the applicant in a

fabricated case, the applicant has been named in the F.I.R. by the complainant.

4. On the other hand, Shri Surya Kant Mishra, learned counsel for the State would oppose the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and the allegation levelled against applicant which is in serious nature and that there is sufficient material available against the applicant, I am of the considered opinion that *prima facie* it is a not fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application for grant of anticipatory bail is liable to be and is hereby rejected.

Sd/-

(I.S. UBOWEJA)
JUDGE