

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4942 of 2020**

- Naresh Kumar Sandilaya S/o Late Manoj Kumar Aged About 20 Years R/o Ghoghara Police Station Nagraha District - Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - City Kotwali District - Raigarh Chhattisgarh

---- Respondent

For Applicant	Mr. Kamlesh Kumar Pandey, Advocate
For Respondent/State	Ms. Fouzia Mirza, Additional Advocate General
For Objector	Mr. Krishna Tandon, Advocate

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****8/10/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.132/2020 registered at Police Station City Kotwali, District Raigarh (CG) for the offence punishable under Sections 363, 366, 376 of the

IPC and Sections 4, 6 of the Protection of Children From Sexual Offences Act, 2012.

3. The applicant abducted and committed forcible sexual intercourse with the prosecutrix, who was aged less than 16 years on the date of occurrence.
4. Even though there appears acquaintance and intimacy between the applicant and the prosecutrix when they were shooting for a Chhattisgarhi movie, the fact remains that the prosecutrix is less than 16 years of age, therefore, her consent being immaterial, no case for grant of bail is made out.
5. Accordingly, the bail application is dismissed with liberty to the applicant to revive the prayer after examination of the prosecutrix.

Sd/-

(Prashant Kumar Mishra)

Judge

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