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HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 17-09-2020Order delivered on 29-09-2020**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5000 of 2020**

- Ashish Kujur S/o Shri Morshel Kujur Aged About 22 Years
R/o Village- Tonritoli, Police Station Kunkuri, District
Jashpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station Incharge Officer,
Police Station Kunkuri, Civil And Revenue District Jashpur,
Chhattisgarh

---- Respondent

For Applicant	Mr. Lav Sharma, Advocate
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For Respondent /State	Ms. Fouzia Mirza, Addl. A.G.
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(Proceedings through Video Conferencing)Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.14/2020, registered at Police Station Kunkuri, District Jashpur (CG), for the offence punishable under Sections 363, 366, 376 of

the Indian Penal Code & Section 5(3), 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Applicant has committed forcible sexual intercourse with the prosecutrix, aged about less than 16 years.
4. From the material available in the case diary, it appears the date of birth of prosecutrix is 12.06.2004 and the incident happened on 18.02.2020 for which FIR was lodged on 23.02.2020. Thus on the date of incident, she was less than 16 years of age. Even though in her statement under Section 164 Cr.P.C., the prosecutrix says that she entered into sexual relation of her own will, the fact remains that she was less than 16 years of age on the date of incident.
5. Considering the seriousness of the offence; the nature of evidence available on record; and particularly looking to the age of the prosecutrix, this Court is not inclined to grant bail to the applicant.
6. Accordingly, the bail application is rejected.

SD/-
(Prashant Kumar Mishra)
Judge

Gowri