

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>IA No.1/2025 (Bail Application) With CRJA No.48 of 2023 "Sanjay Kumar Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. T.A. Khan, learned Amicus Curiae assisted by Mr. Vinay Bhatt, learned Amicus Curiae, for the Appellant.</p> <p>2. Mr. S.S. Chauhan, learned DAG, for the State of Uttarakhand.</p> <p>3. Appellant was convicted for offence punishable under Sections 363, 366-A and 376 of IPC and under Sections 3/4 of the POCSO Act, vide judgment and order dated 15.02.2023, passed by the court of learned District & Sessions Judge/Special Judge, Chamoli in Special Session Trial No.02 of 2020, "State Vs. Sanjay Kumar". Challenging his conviction and sentence, Appellant has filed this appeal.</p> <p>4. The ground so advanced for consideration of the bail application by the learned senior counsel for the Appellant firstly is that the victim in her statement has stated that the relation between the Appellant and the victim was consensual, and as per the records, the victim is almost at the brink of age of majority i.e. 17 years 11 months.</p> <p>5. Learned State Counsel, however, refutes to the submissions so advanced by the learned Amicus Curiae for the Appellant with the contention that consent of the victim does not matter as the victim was minor as per law on the date of the incident, and hence the Appellant should not be enlarged on bail.</p> <p>6. The date of incident is said to be of 04.12.2019. Technically considering the date of birth and relating it to the date of the incident i.e. 04.12.2019, date of birth of the victim</p>

being 05.01.2002, the victim was minor as per law with the age of 17 years 10 months 29 days, therefore, the consent of the minor is of no matter; however, the statement of the victim clearly reveals that the Appellant had forcefully sexually assaulted her and raped her.

7. Considering the overall facts and circumstances of the case, this is not a fit case for grant of bail.

8. Accordingly, the bail application is dismissed.

9. List this matter on 20.05.2026 for hearing.

(Ashish Naithani, J.)

23.03.2026

Nitesh/

--	--	--	--