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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 387/2017**

BHAVESH CHANDER DHANWANI Petitioner
Through: Mr. Ehtesham Hashmi, Advocate

versus

THE STATE & ANR. Respondents
Through: Mr. Amit Chadha, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.05.2017**

During the course of arguments the learned counsel for the petitioner submits that the prosecutrix was major at the relevant point of time. This seems to imply that the claim of the applicant is that the episodes of sexual intercourse were consensual.

Similar arguments going to the extent of claiming marriage between the applicant and the prosecutrix were raised before the court of sessions when his application for anticipatory bail was being considered leading to its dismissal by order dated 28.09.2016. On being asked, the counsel for the applicant fairly concedes that the prosecutrix is not married to the applicant.

The evidence collected thus far shows that the prosecutrix was a minor at the relevant point of time. The evidence includes a video clipping taken in a mobile phone instrument statedly by co-accused named Khushboo, who is reportedly evading arrest, the said video clipping showing sexual intercourse between the applicant and the prosecutrix. Against such abundant material, the case involving amongst others offence under Protection of Children from Sexual Offences Act, 2012, no case for anticipatory bail is made out.

Dismissed.

R.K.GAUBA, J.

MAY 12, 2017/vk