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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1719/2017**
NEERAJ BHATT Petitioner
Through Ms. Seema Misra, Adv.

versus

NCT OF DELHI Respondent
Through Mr. Ashish Dutta, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **30.11.2017**

A submission is made on behalf of the petitioner that the application filed on behalf of the petitioner seeking grant of bail submitting to the effect that the petitioner was under the impression that the prosecutrix was an adult of aged 18 years and it has been submitted on behalf of the petitioner placing reliance on the testimony made during the trial of the prosecutrix to the effect that the prosecutrix had contacted with the persons elder to her in age on the Facebook. It has been submitted on behalf of the petitioner in view of the age of the prosecutrix and also placing reliance in the proceedings of Special Leave to Appeal (Crl.) No. 8256/2017 of the Apex Court vide order dated 24.11.2017 whereby the accused therein had been granted bail which had been initially declined by the High Court Nagpur Bench in Crl. Appeal No. 42/2017, submitting *inter alia* to the effect that the facts of the said case before the Apex Court were in *pari materia* with those of the instant case and also the further submissions made on behalf of the

petitioner that the prosecutrix was living with the applicant for a period of four months which would indicate her consent.

On behalf of the State, it has been submitted that the prosecutrix was a minor and thus same cannot be absolve from any liabilities in relation to alleged commission of offence.

On behalf of the petitioner, it has been submitted that the Trial Court had only examined eight witnesses.

On a consideration of the rival submissions without any observation on the merits or demerits of the case and taking into account the statement of the prosecutrix recorded before the learned Trial Court and the statement of the prosecutrix under Section 164 Criminal Procedure Code, 1973 with gross allegations of sexual molestation and alleged rape, and the factum that the prosecutrix was minor at the time of the alleged commission of the offence, there is no ground for grant of bail.

However, the Trial Court would make an endeavour to complete the trial within a period of eight months from today.

Copy of this order be sent to the Trial Court.

ANU MALHOTRA, J

NOVEMBER 30, 2017/MK