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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1572/2018**

HARISH CHAND

..... Petitioner

Through: Mr. Sunil Choudhary with Ms. Preeti,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak, APP for State with
WSI Amolak, P.S. Najafgarh.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.07.2018

Crl.M.A.12303/2018 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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The applicant questions the allegation that the prosecutrix was minor at the relevant point of time, his contention being that as per his information the prosecutrix was born in a hospital, the records of which would show the year of birth of 1999. The counsel as on date does not even have the particulars of the hospital to which such record relates. The school records, however, concededly show the date of birth to be 08.08.2006. The allegations of forcible sexual intercourse relate to the year 2016 onwards.

In the facts and circumstances of the case, where serious offences including under Section 376 of Indian Penal Code, 1860, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 27 of the Arms Act, 1959 are alleged to have been committed and there is *prima facie*, material to support the same, it is not a fit case for release on anticipatory bail.

While making submissions, the counsel submitted that the allegations are motivated and the facts can be verified from the prosecutrix who is also present in the court. The learned Additional Public Prosecutor and the Investigating Officer submit that there was no intimation to the prosecutrix on their side to be present in the court and it appears she has been brought along by the counsel for the petitioner. It is very clear that the petitioner is improperly in contact with the prosecutrix even when the matter is under investigation, the attempt seemingly being to influence her.

The petition is dismissed.

R.K.GAUBA, J

JULY 10, 2018
srb