



2026:DHC:707



medical examination of the prosecutrix was carried out and in the MLC, alleged history recorded by the doctor was to the effect that the prosecutrix went with her friend but lost her way back home after which she was helped by another boy who dropped her at her friend's house, from where she called up her parents and her brother brought her home. The MLC also recorded no history of any fresh injury or violence. Subsequently, statement of the prosecutrix was recorded before the concerned Magistrate under Section 183 BNSS. It is in that statement under Section 183 BNSS that the prosecutrix alleged sexual misconduct against the accused/applicant. The prosecutrix alleged that she accompanied the accused/applicant to Moradabad station and after leaving her in a room, he went for his work; that in the morning the accused/applicant returned to the room and established sexual relations with her; that he also fed her over there and subsequently by train, they came to Anand Vihar where he deserted her; that she borrowed someone's phone and informed a friend, who in turn informed her brother; and that her brother brought her home.

3. On behalf of accused/applicant it is contended that the prosecutrix was major in age and had left her parental home on her own. It is further contended that no sexual relations were established between the accused/applicant and the prosecutrix.

4. Learned APP for State assisted by IO/WSI Bhawna Phogat fairly admits that in the witness box during trial, the prosecutrix did not support prosecution. It is also fairly admitted that at the time of the alleged incident,

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the prosecutrix was at the verge of attaining the age of majority and was fully conscious about her choices.

5. Keeping in the mind the overall circumstances, especially the fact that at the time of the alleged incident, the prosecutrix was at the verge of attaining the age of majority and was conscious of her choices; that during trial, prosecutrix did not support prosecution case; and that there is no medical evidence to show any sexual relations between the prosecutrix and the accused/applicant, I find no reason to further deprive the accused/applicant liberty.

6. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail, subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial. Accompanying application also stands disposed of.

7. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)

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