





2026:DHC:4309



the victim was much more than 11 year at the time of the alleged incident. Learned counsel for accused/applicant submits that there are contradictions in the testimony of the victim and her mother. Learned counsel for accused/applicant also contends that the prosecution has deliberately concealed the passport of the accused/applicant, which was issued by Bangladesh government, though the victim was born and brought up in UP.

4. Learned APP for State assisted by IO/SI Preeti opposes the bail application largely on the ground of gravity of offence and the punishment that can be the consequence if the accused/applicant gets convicted.

5. A strong emphasis has been laid by learned counsel for accused/applicant on the ground that age of the victim has not been properly proved. But it is admitted case that it is the accused/applicant only, who had submitted his own affidavit before the school authorities testifying the date of birth of the victim and taking that date, the victim was aged 11 years at the time of the alleged incident.

6. Further, on being called upon to disclose as to what according to the accused/applicant was age of the victim at the time of the alleged incident, learned counsel for accused/applicant expresses ignorance.

7. More significantly, the issue of consent of the victim is not even feebly raised. So, whether the victim at the time of the alleged incident was minor or major in age, would not make difference to such an extent that the accused/applicant would gain any advantage in the present proceedings.

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8. Coming to the alleged contradictions in the testimony of the victim and her mother, it is trite that at this stage, the Court shall not meticulously examine the evidence brought on record. Suffice it to record that the victim as well as her mother in her testimony has supported the prosecution case.

9. At this stage, learned counsel for accused/applicant also contends that according to prosecution case, mother of the victim consented for internal examination of the victim but the victim refused to undergo the same. This, according to learned counsel is a ground to grant bail. I am not convinced with this argument. The bodily integrity of a girl child has to be respected and if she does not wish to undergo internal examination, the State has no business to add insult to her injury by compelling her to agree for such examination.

10. Considering the above circumstances, I do not find it a fit case at this stage to release the accused/applicant on bail. The bail application and the accompanying application are dismissed. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

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**GIRISH KATHPALIA
(JUDGE)**

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