



**GIRISH
KATHPALIA**



2026:DHC:114



alleged that the accused/applicant residing on ground floor of the same house had been harassing her sexually since August 2021 by touching her breasts inappropriately and forcibly kissing her; that for 6-7 times the accused/applicant tried to establish sexual relations with her; that on 16.09.2021, when she was alone at home, the accused/applicant came and forcibly inserted his penis in her private parts after which she pushed him and he fled; that she disclosed the entire incident to her mother on 22.09.2021 as he had threatened to kill her if she disclosed the incident to anyone. On 22.09.2021 itself, mother of the prosecutrix apprehended the accused/applicant and called the police.

4. Learned counsel for accused/applicant in his submissions today argued extensively that there are multiple contradictions in the statements of the prosecutrix in the sense that before the doctor, she alleged only fingering while in her FIR, she alleged only penile penetration and in statement under Section 161 CrPC, she alleged fingering as well as penile penetration and in statement under Section 164 CrPC, she alleged only penile penetration. Learned counsel for accused/applicant also contended that testimony of mother of the prosecutrix also suffers from many contradictions. No other argument in support of bail has been advanced.

5. On the other hand, learned prosecutor submits that as on date, 5 out of 16 prosecution witnesses have been examined in trial. The bail application is opposed on the grounds of severity of offence and also the contention that at



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this stage the court cannot meticulously weigh the evidence brought on record.

6. The arguments advanced on behalf of the accused/applicant have been noted above simply to be rejected for two reasons. Firstly, the appreciation of evidence has to be carried out keeping in mind the tender age of the victim of sexual assault. Secondly, as rightly submitted by learned prosecutor, at the stage of bail, this court cannot meticulously analyse the evidence on record. At this stage, in the present case, severity of offence, especially the tender age of the girl child has to be kept in mind. As mentioned above, trial is pending. And apart from the above recorded arguments, no other argument has been advanced.

7. I do not find it a fit case to release the accused/applicant on bail. Therefore, the bail application is dismissed. Accompanying application stands disposed of.

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**GIRISH KATHPALIA
(JUDGE)**

JANUARY 8, 2026/dr