



2026 :DHC :5331



including a video clip, the bail application was dismissed. Subsequently, even the restoration application was dismissed, though granting liberty to file afresh.

3. Learned counsel for accused/applicant contends that the prosecutrix was major in age, so no offence under POCSO Act is made out. Further, it is contended that since the prosecutrix got married with the accused/applicant, the sexual intercourse with her subsequent to the marriage is not an offence of rape. Further, learned counsel for the accused/applicant contends that the prosecutrix has not supported the prosecution case in the course of her testimony. As per the video clip mentioned above, which according to prosecution was recovered from the mobile phone of the brother of the accused/applicant, it is contended by learned counsel for accused/applicant that the same was recovered from the mobile phone of father of the prosecutrix, who had received the same from brother of the prosecutrix. It is submitted by learned counsel for the accused/applicant that the said video clip was recorded by the prosecutrix herself and it is she only who shared the clip with her brother, who in turn shared the same with her father.

4. The bail application is strongly opposed by learned APP for State, assisted by Investigating Officer/SI Anju, taking me through record, including order dated 18.03.2026 passed by me in the earlier bail application.



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9. Therefore, the bail application and the accompanying application are dismissed.

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

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
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**GIRISH KATHPALIA
(JUDGE)**

JULY 03, 2026/as