

CRM-M-19063-2020

Date of decision: 20.08.2020

Daya Giri

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Karan Singh, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner/accused-Daya Giri, who is in custody since almost one year, has come up in this first regular bail application in a case bearing FIR No.102 dated 22.08.2019 under Sections 323, 366, 376 and 506 of the Indian Penal Code registered at Police Station Women, Jind, District Jind.

The present case has been got registered by a married lady, aged around 40-42 years claiming that she was in a relationship with the petitioner and during the course of time, they entered into physical relations.

The complainant claims that the accused often took her from her house on the pretext of attending *bhandara* and used to ravage her. This relationship continued over a long period of time and thereafter, the parties had fallen apart leading to the present allegations of rape, two months prior to the registration of FIR.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a grown up, mature man and so is the complainant, who is a married lady aged around 40-42 years and it was a voluntary relationship which went sour leading to false allegations having come up.

The learned State counsel though does not dispute the facts but has opposed the grant of bail on the grounds of seriousness of the allegations.

Be so as it may, evidently, the prosecutrix happens to be a grown up mature lady and volunteered into this relationship over a long period of time. The allegations of rape, in such a situation, are subject to trial. Keeping in view the period of incarceration and that the trial is not likely to be concluded in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case and further without adverting on to the merits of the case, the present petition is allowed. Culpability, if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

20.08.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No