

CRM-M-9152-2022

Date of Decision: 13.05.2022

AJAY KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Devender Kumar, Advocate for the petitioner.
Mr. Karan Sharma, DAG Haryana.
Mr. Sunil Saharan, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Susheela, Deputy Superintendent of Police, Rohtak on behalf of the State has been placed on record.

Petitioner is seeking anticipatory bail in case bearing FIR No. 02 dated 04.01.2022 under Sections 323, 328, 354-C, 376(2)(n), 380, 452, 506, 324, 34 IPC, registered at Police Station Women, Rohtak.

Briefly, the FIR has been registered on the allegations that the marriage of the prosecutrix was solemnized about 9 years ago and two children were born from the wedlock. About 4 years prior to the occurrence, she became acquainted with the petitioner and started relying upon him. The petitioner took undue advantage and administered some intoxicant substance and made physical relations with the prosecutrix. He also took some photographs and prepared videos while she was unconscious. The petitioner had also been blackmailing her on different occasions and extracting money.

Learned counsel for the petitioner has mainly contended that it is a case of consent and the prosecutrix is aged about 25 years. Furthermore, the petitioner and the prosecutrix had entered into a live-in-relationship agreement on 04.01.2022, Annexure P-3.

The bail application has been mainly resisted by the learned State counsel and learned counsel for the complainant on the score that a false live-in-relationship agreement was prepared by the petitioner. The petitioner had procured the signatures/thumb impression of the prosecutrix on a blank paper and converted the same into a live-in-relationship agreement. Moreover, there are categoric and specific allegations of commission of rape and extracting money from the prosecutrix.

It may be mentioned here that the FIR has been registered on 04.01.2022 and it sounds improbable that on the same date the prosecutrix will also enter into a live-in-relationship which will tend to falsify the allegations as putforth in the FIR. As such, it will be too early to conclude that it was a case of consent as the parties had entered into any live-in-relationship agreement. Moreover, there are serious allegations to the effect that the prosecutrix was sexually abused and exploited by the petitioner on the pretext that he was having her obscene photographs/videos. Moreover, he had also been extracting money from her. The matter requires thorough probe and investigation and the custodial interrogation of the petitioner appears to be essential for the proper and effective investigation of the case.

No exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Dismissed.

13.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No