

Date of decision: 19.07.2023

...PETITIONER

...RESPONDENT

RENU BALA
2023.07.19 17:48
I attest to the accuracy and
integrity of this document

CRM-M-46861-2021

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was having her obscene photographs. It has been submitted that as per the report of FSL, no spermatozoa has been detected and out of 12, 04 witnesses have been examined.

6. On a query, it has also been submitted that no obscene photographs have been recovered during the course of investigation.

7. It may be mentioned here that the prosecutrix is aged about 35 years and is a divorcee. The controversy as to whether the relationship between the petitioner and the prosecutrix was consensual or not will be a debatable and moot point during the course of trial. 8 more witnesses still remain to be examined. The statement of the prosecutrix during the course of trial has been recorded. As such, it cannot be said that the petitioner can in any manner win over or influence the prosecutrix. The petitioner is in custody for a period of about 02 years and is not involved in any other case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

8. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. The petition is allowed accordingly.

19.07.2023

renubala

(VIVEK PURI)
JUDGE

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