

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- **Bail App No. 185/2023**
CrIM No. 2139/2023, 1910/2023 & 1124/2023

**Sharaz Ahmed Aged 50 Years S/o Lal Hussain,
R/o Drairari Tehsil Manjakote District Rajouri,
A/p District Jail, Jammu
Through her daughter Salma Kousar Aged 30 Years
D/o Sharaz Ahmed R/o Drairari Tehsil Manjakote
District Rajouri, A/p District Jail, Jammu**

.....Petitioner

Through: Mr. Kulbhushan Sajgotra, Advocate

Vs

UT of J&K through Incharge Police Station, Rajouri

.....Respondent

Through: Mr. Bhanu Jasrotia, GA

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
29.12.2023

Heard learned counsel for the parties.

01. This is an application for bail on medical grounds by the petitioner who is an under trial, along with four other accused persons, in a criminal case filed on 24.04.2023 pending adjudication before the court of Principal Sessions Judge, Rajouri.

02. The aforesaid case is an outcome of FIR no. 0059/2021 registered under sections 354-C/109 Indian Penal Code, section 66-

E of the Information Technology (IT) Act, 2000 and section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and all the five accused in the above pending case are of the same family and even includes three women as accused.

03. One of the accused, namely, Abdul Hameed Qureshi is said to have been granted bail by this Court.

04. The complainant in the said case is Afraz Ahmed, who alleged that the accused persons took the deaf and dumb daughter of the complainant to their home, disrobed her and then took pictures of her which were made viral on social media site. The court of Principal Sessions Judge, Rajouri came to grant bail in favour of the three women accused in terms of an order dated 14.06.2023.

05. The petitioner is now coming forward with the present bail application citing medical contingency attending upon him which requires surgery, as is borne out from the communication no. DJR/MH/1970-71 dated 19.07.2023 addressed from the Assistant Superintendent, District Jail Rajouri to the Principal Sessions Judge, Rajouri, wherein with respect to the health status of the petitioner the advice of the doctors for surgery has been referred and regular administration of the medicines to the petitioner as per prescription also stands mentioned.

06. Thus, it is an admitted fact that the petitioner is in a state of medical distress. The offences for which the petitioner along with other co-accused have been booked and are being tried are non-bailable ones.

07. Given the fact that except for the petitioner all other accused persons in the case have been enlarged on bail, this Court sees no reason to deny bail to the petitioner that too on account of his health issue. Therefore, the petitioner is admitted to four month duration bail on medical grounds for enabling him to get himself medically treated on his own and not at the expense of the jail authorities.

08. The petitioner is, therefore, directed to be released on bail subject to furnishing of two surety bonds of Rs. 2 lac each as well as personal bond of Rs. 2 lac to the satisfaction of the Principal Sessions Judge, Rajouri.

09. During the duration of bail of four months, the petitioner shall not leave the Union Territory of Jammu & Kashmir without prior leave of the court of Principal Sessions Judge, Rajouri. The petitioner shall not in any manner whatsoever influence or harass the prosecution witnesses in the case examined or to be examined and in particular the complainant and his daughter.

10. The bail period of four months shall start from the date of release of the petitioner from the jail.

11. Upon date of expiry of bail period of four months, the petitioner shall, in case of having received and recovered from the medical treatment, surrender himself before the Principal Sessions Judge, Rajouri. In the event of the petitioner being medically advised to home rest the for the period post four months' bail period, then the petitioner shall be entitled for seeking extension of bail hereby being given, from the court of Principal Sessions Judge, Rajouri.

Application is, accordingly, ***disposed of***.

JAMMU
29.12.2023
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(RAHUL BHARTI)
JUDGE

Whether the order is speaking : Yes / No

Whether the order is reportable: Yes / No