

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

Case No.:- Bail App No. 130/2024
CrlM No. 922/2024

1. Duri Begum, age 60 years w/o Mangta.
 2. Nagina Begum, age 26 years, w/o Khalail.
 3. Razia Begum age 40 years w/o Mohd. Abas
 4. Mangta age 60 years S/o Abdullah
- All residents of village Koti Chandyar tehsil Bani district Kathua.

.....Petitioner(s)

Through: Mr. Asheesh Singh Kotwal, Advocate.

Vs

1. Union Territory of Jammu and Kashmir through
the Station House Officer, Police Station, Bani Distt. Kathua.
2. Miss. X
C/o SHO, Police Station, Bani District Kathua.

..... Respondent(s)

Through: Mr. Suneel Malhotra, GA

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

ORDER
24.12.2024

1. By reference to an FIR No. 0003/2024 dated 19.01.2024 registered by the Police Station, Bani originally for alleged commission of offences under sections 363/109 Indian Penal Code (IPC), 1860 on the written complaint of Insar Ahmed, the investigation resulted in a case made out for alleged commission of offences under sections 376/342/506 Indian Penal Code (IPC), 1860 read with section 4/17 of Protection of

Children from Sexual Offences (POCSO) Act, 2012. The four petitioners, three of whom being women, and the petitioner No. 4 being sixty (60) years aged man, approach this Court through the present petition seeking anticipatory (pre-arrest) bail under section 438 of the Code of Criminal Procedure, 1973.

2. The institution of the bail petition had taken place on 07.06.2024 by which time, offences under sections 342 and 506 Indian Penal Code (IPC), 1860 had come to take place in addition to the originally mentioned offences under sections 363 and 109 Indian Penal Code (IPC), 1860.
3. This Court, in terms of an order dated 07.06.2024, came to admit all the four petitioners on an interim pre-arrest bail subject to the terms and conditions as set out in the said order dated 07.06.2024. The petitioners are said to have reported themselves for investigation before the Police Station, Bani.
4. During the pendency of the present petition, further investigation of the FIR in reference has resulted in arriving at the conclusion that commission of offences under sections 363/376/506/201/342/109 Indian Penal Code (IPC), 1860 read with section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 is made out against the principal accused Ashfaq Ahmed who is son of the petitioner No. 4- Mangta Rather and the commission of offences under sections 363/342/506/109 Indian Penal Code (IPC), 1860 read with

sections 4/17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 against the other accused, namely Mohd. Ayoub and the four petitioners herein.

5. The sequence of the investigation proceeded in the manner that the petitioners herein in fact came to be booked in a supplementary chargesheet. The production of the supplementary chargesheet against the petitioners had taken place on 18.07.2024 whereas, the present petition seeking anticipatory (pre-arrest) bail was instituted on 07.06.2024.
6. It is being reported by Mr. Asheesh Singh Kotwal, learned counsel for the petitioners that the two principal accused in the case, namely, Ashfaq Ahmed and Mohd. Ayoub have been granted regular bail by the trial court of learned Principal Sessions Judge, Kathua.
7. In view of this development, this Court sees no purpose of keeping this petition any further on the docket of this Court and, therefore, **disposes of** this petition by granting the petitioners a bail cover for a period of one month reckoning from the date of passing of this order for enabling them to approach the trial court of learned Principal Sessions Judge, Kathua seeking regular bail from the said court given the fact that the challan is pending trial before the said very court involving the petitioners as co-accused.

8. A copy of this order be sent to the learned Principal Sessions Judge, Kathua by the Registrar Judicial, Jammu for notice and record sake.
9. Connected application(s) also stands disposed of accordingly.
10. Mr. Suneel Malhotra, learned Govt. Advocate has produced the status report dated 23.12.2024 submitted by the SHO, Police Station Bani which is taken on record.

(RAHUL BHARTI)
JUDGE

JAMMU
24.12.2024
Naresh/Secy.

