

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

Case:- Bail App No. 148/2024
CrIM No. 1068/2024

Mohd. Shabir Applicant(s)/Petitioner(s)
Age 47 years, S/o Sh. Alam Din
R/o Nalli, Tehsil Manjakote
District Rajouri.

Through: Mr. K. M. Bhatti, Advocate.

Vs

1. Union Territory of J&K through Respondent(s)
Commissioner/Secretary Home Deptt.
Civil Sectt. Jammu/Srinagar.
2. Senior Superintendent of Police,
Rajouri.
3. SHO Police Station, Manjakote.
4. Naseem Akhtar, W/o Mohd. Kabir
R/o Neali, Tehsil Manjakote, District
Rajouri.

Through: Mr. Bhanu Jasrotia, GA for R-1 to 3
Mr. Abrar Ahmed Khan, Advocate for R-4.

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

ORDER
(30.12.2024)

1. The petitioner-Mohd. Shabir came rushing to this Court with the present petition filed on 10.07.2024 seeking grant of pre-arrest bail in terms of section 482 of Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 (akin to section 438 Cr.P.C 1973) with respect to FIR No. 0073 dated 22.08.2023 registered with the Police Station Manjakot for alleged commission of offences under section 376 of the Indian Penal Code, 1860 and section 4, 6 & 17 of the Protection of Children against Sexual Offences Act, 2012 apprehending his arrest by the Police Station Manjakot, even though when not being named as an accused in the said FIR but fearing his implication by

an abuse of process of law at the end of the complainant as well as the Police Station Manjakot. In the FIR originally named two accused persons are Mohd. Yasin and Nazia Kouser.

2. This Court, in terms of an order dated 19.07.2024, came to grant indulgence in favour of the petitioner by granting him an interim pre-arrest bail subject to the terms and conditions as laid down in the order itself pursuant whereof the petitioner is said to have been arrested and released on bail by the Investigating Officer (IO) concerned.

3. The fact that the petitioner cooperated by participation in the investigation of the case is born out from the fact that in the course of time Final Police Report (Challan) under section 173 of the Code of Criminal Procedure, 1973 came to be presented by the Police Station Manjakot before the court of Principal Sessions Judge, Rajouri, in which, in addition to two originally named accused persons, 11 more accused persons came to be booked one of whom being the petitioner herein.

4. Mr. K. M. Bhatti, learned counsel appearing for the petitioner submits that the petitioner is said to have been even subjected to charge without being related to offence under section 376 of the Indian Penal Code and the trial court is seized of the trial.

5. Learned counsel for the petitioner submits that the other co-accused persons in the case have been admitted to regular bail by the trial court itself.

6. Keeping in view this development and backdrop of the case, this Court is inclined to grant cover of two months' period in favour of the petitioner to be on bail and in the meantime, to approach the trial court of the Principal Sessions Judge, Rajouri before which case is undergoing trial and to apply there and seek grant of regular bail.

7. Accordingly, this petition is disposed of by maintaining bail in favour of the petitioner for a period of two months from the date of passing of this order by approaching the trial court within said cover period with the application for seeking regular bail upon which the trial court shall keeping in view the facts and circumstances of the case and also the fact that the petitioner has co-operated with the investigation of the case and is attending the trial, shall consider the bail plea of the petitioner on parity basis.

8. In case, the petitioner is not able to approach the trial court within the time given hereby, the petitioner shall be entitled to seek extension of time from this Court by a motion to said effect.

9. Disposed of, accordingly.

(RAHUL BHARTI)
JUDGE

JAMMU
30.12.2024
Shivalee

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No