

IN THE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH
AT SRINAGAR

Bail App. 142/2025
CrlM no. 1108/2025

Jainader Tyagi

...Appellant(s)/Petitioner(s)

Through: Mr. Shariq J Reyaz, Advocate

Vs.

UT of JK through Police Station Rajbagh.

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Assisting counsel
Mr. Shuja Ul Haq, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
18.11.2025

1. Bail is sought in case FIR no.57 of 2024 registered at Police Station, Rajbagh, for the offences punishable under Section 376, 420, 494, 495 and 12-B IPC.
2. Challan has been produced in the aforesaid FIR and charges framed by Trial Court, viz. 2nd Additional Sessions Judge, Srinagar.
3. According to the applicant, the order charging the applicant of offences punishable under Section 495, 120-B, 506 and 420, IPC has been challenged in a separate petition.
4. Objections/response have been filed by the respondents in opposition to instant application.
5. Mr. Shuja Ul Haq, has appeared on behalf of the complainant and has also submitted objections in the open Court which are taken on record.
6. Learned counsel for the applicant submits that although the applicant had filed the application before the learned 2nd Additional Sessions Judge, Srinagar, yet the same was dismissed. He would also aver that the applicant has not been charged with the heinous offences punishable

under Section 376 and 366 and remaining sections in which applicant has been charged or either bailable in nature or non-serious in degree.

7. *Prima facie*, a case is made out for grant of bail, at this stage, inasmuch as applicant has been charged with offences punishable under Section 494, 495 120-B, and 420 IPC, and that the only offence punishable under Section 420 is non-bailable, more particularly, when another accused, applicant's father charged with the same offence, has been given bail.
8. Having regard to the case set up by applicant and submissions made by counsel for parties, the application is allowed. Applicant is enlarged on bail subject to his furnishing bail bond in the amount of Rs.20,000/- to the satisfaction of Registrar Judicial of this Court, with one surety of the like amount to the satisfaction of Incharge/Superintendent, Jail concerned, on the following conditions:
 - a. Applicant shall remain present before the Trial/Sessions Court on every date of hearing;
 - b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person(s) acquainted with the facts of the case so as to dissuade him/them from disclosing such facts to the Court or to any Police Officer, as the case may be;
 - c. Applicant shall not leave Kashmir Division without proper permission from the Court;
 - d. Applicant shall not tamper with the evidence or witnesses in any manner and shall not be a source of embarrassment and harassment to any of the witnesses in any manner;
 - e. Applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - f. Applicants shall not commit an offence similar to the offence of which they are accused, or suspects, of the commission of which he is suspected.

9. Bail App no. 142/2025 is **disposed of** in terms of above.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
18.11.2025
"Imtiyaz"