

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

CJ Court

CrIA(D) No.59/2025

SHAKIR YOUSUF BHAT

...APPELLANT(S)

Through: - Ms. Nida Nazir, Advocate.

Vs.

UT OF J&K AND ANR.

...RESPONDENT(S)

*Through: - Mr. Mohsin Qadiri, Sr. AAG, with
Ms. Maha Majeed, Advocate.*

CORAM: **HON'BLE THE CHIEF JUSTICE** *(thr. Virtual mode)*
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
30.09.2025

1. This appeal has been filed by the appellant in terms of Section 21 of the National Investigating Agency(NIA) Act, 2008 against the order dated 25.06.2025 passed by the Court of Additional Sessions Judge (Designated Special Court under Section 22 of the NIA Act, 2008) (for short 'the trial court'), whereby the application filed by the appellant for grant of bail has been rejected.

2. It is stated that the appellant was taken into custody under Sections 16, 18, 19, 20 and 39 of the ULA(P) Act, section 7/25 Arms Act and section 302 IPC and after the conclusion of the investigation, charge sheet was presented before the designated court. The appellant stands already charged and the case is pending for

prosecution evidence. It is stated that owing to the serious medical condition of the appellant duly supported by the medical report, an application for grant of bail was submitted before the learned trial court but despite that the learned trial court declined to grant the bail on health grounds. It is further stated that the appellant is undergoing severe psychiatric illness generalized anxiety disorder, major depressive disorder and obsessive-compulsive disorder and he is under treatment at Institute of Mental Health and Neurosciences Kashmir, Srinagar from May 2025 with no sign of improvement.

3. Pursuant to order dated 22.09.2025, Mr. Mohsin Qadiri, learned Sr. AAG has submitted the report in respect of the health status of the appellant.

4. Mr. Nida Nazir, learned counsel for the appellant has vehemently submitted that the appellant is suffering from serious psychiatric ailment, for which he is undergoing treatment in the Institute of Mental Health and Neurosciences Kashmir, Srinagar. She has further submitted that in view of the serious ailment of the appellant, the appellant deserves to be enlarged on bail.

5. *Per contra*, Mr. Mohsin Qadiri, learned senior AAG, has submitted that the appellant was admitted in the

Institute of Mental Health & Neuro Sciences, Kashmir, on 27.05.2025 and continues to be so till date. He has further contended that proper medical treatment is being provided to him. He has further argued that the appellant has played a vital role in killing of three innocent persons and, as such, he does not deserve to be enlarged on bail, more particularly when proper medical treatment is being provided to him in the Hospital.

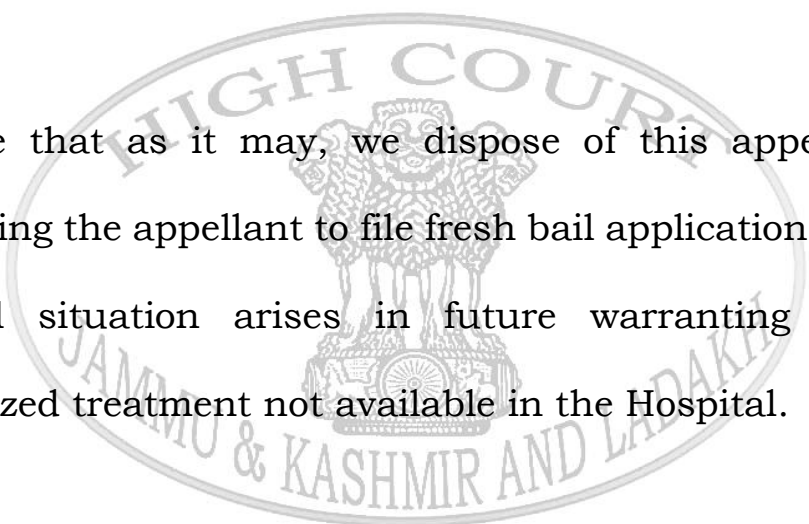
6. Heard and perused the record.

7. The record depicts that the appellant had filed an application for grant of bail before the learned trial court on health grounds, however, the learned trial court vide order impugned in this appeal dismissed the bail application. Pursuant to the direction of this court, Mr. Mohsin Qadiri has produced the health status report of the appellant, a perusal whereof reveals that the appellant has been diagnosed with major depressive disorder with catatonic features. It is further stated in the report that the appellant requires some external support to perform activities of daily living and he may remain in such a state for a prolonged period. He will require continuous treatment, nursing care and regular follow up.

8. In the health status report, it is not stated that the treatment of the appellant is not possible in the hospital where he is admitted at present. Under these circumstances, the hospital is the best place where the medical condition of the appellant can be dealt with in an effective and proper manner.

9. In view of the fact that the appellant is being provided proper medical treatment in the hospital and no specialized treatment at this stage is required, therefore, we do not find the present case to be fit one for grant of bail.

10. Be that as it may, we dispose of this appeal by permitting the appellant to file fresh bail application if any medical situation arises in future warranting some specialized treatment not available in the Hospital.



(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
30.09.2025
“Bhat Altaf”

Whether the Order is speaking:	Yes
Whether the Order is reportable:	No