

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINGAR

Bail App No. 189/2025

Reserved on: 17.12.2025

Pronounced on: 20.12.2025

Uploaded on: 23.12.2025

*Whether the operative part or full
judgment is pronounced-**Full Judgment***

Zubair Ali Bhat

...Petitioner(s)

Through: Mr. S.A.Makroo, Sr. Advocate with
Mr. Rahil Noor, Advocate.

Vs.

Union Territory of J&K & Ors.

...Respondent(s)

Through: Mr. Illyas Nazir Laway, GA, for R-1 to 3.
Mr. Firdous Ahmad Bhat, Adv. for R-4.

CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

JUDGMENT

1. The applicant, through the medium of this bail application alleging his false implication, seeks grant of bail in a case registered vide FIR No. 69/2025 at P/S Dooru for the commission of offences punishable under Sections 115(2), 126(2), 69, 74, 351(2) of BNS on a complaint filed by respondent No.4 alleging that she had been sexually exploited by the applicant under the false promise of marriage and, also on his refusal to marry her when she approached him, she was assaulted by the applicant and his family members.

2. The applicant seeks grant of bail in the aforesaid case on the grounds that the case against him was false, fabricated and motivated; that the complainant had misused her political influence to harass the applicant and his family; that there was delay of four days in filing the complaint as the alleged instance was shown to be of 09.08.2025, whereas the complaint was lodged on 12.08.2025, which casts serious doubt on the veracity of the allegations; that the applicant had moved an application for grant of bail to the local court of Magistrate at Dooru which came to be rejected by that court vide order dated 02.09.2025 without proper appreciation of law and facts despite the case being fit, for grant of bail; that due to mala fide intentions and personal vendetta, the complainant approached the police only after learning that the applicant was having an affair with another girl and intending to marry her; that the complaint was lodged with the sole motive of obstructing the applicant's prospective marriage by fabricating a false story with the motivated allegations only to wreak vengeance.
3. The applicant has further asserted that the complainant admittedly had a long standing relationship with the applicant for a continuous period of about three years; that being a major and well-educated woman have voluntarily and consciously entered in a physical relationship with the applicant over the said period without any element of coercion or undue influence; that lodging of the FIR alleging sexual exploitation on the promise of marriage was an afterthought, arising out of anger, frustration as unabated intimacy between the parties for three years itself demonstrates of free consent and negates the element of force or false promise; and that in absence of crucial medical evidence the very

foundation of the prosecution case becomes doubtful. It was finally prayed that the applicant be admitted to bail.

4. Pursuant to notice, the respondents filed objections. Official respondents 1 to 3 in their objections contended that on receipt of the complaint filed by the complainant-girl, a case FIR No.69/2025 under Sections 115(2), 126(2), 69, 74, 351(2) of BNS came to be registered at P/S Dooru; that during the course of investigation, the complainant was medically examined at SDH, Dooru and an injury memo was prepared; medical opinion thereof confirmed the nature of injuries suffered by her as simple in nature; that her medical examination owing to allegations of sexual exploitation was also conducted through Gynae Consultant at SDH, Dooru with her consent and opinion thereof was obtained; that various site plans were prepared and photographed and the statement of the complainant was got registered in terms of Section 183 of BNSS; that with the help of the complainant, all the sites which included a hotel where she, as per her version, was subjected to sexual intercourse by the applicant/accused upon the false promise of marriage were inspected and videographed; that based on the evidence, the applicant/accused was found to have committed the aforesaid offences, as such, he was arrested on 12.08.2025.
5. Respondent No.4, complainant/victim who came to be arrayed during the course of pleadings stated in her objections that the applicant had committed serious offences against her person and that she is yet to be examined before the Court as a witness and in case the applicant is granted bail at this stage, there is every likelihood that the applicant/accused would influence and tamper with the prosecution evidence; that she had entered into physical relationship, with the

applicant on the promise and assurance by the applicant of marrying her and finally it was prayed that the bail application be rejected.

6. Heard and considered.

7. Learned counsel for the parties argued in line with their pleadings.

Learned counsel for the parties submit that the investigation of the case has been concluded and the case has been committed to the trial court since the month of September 2025 and the applicant as accused has been seeking adjournments on framing of charge. The applicant had moved his earlier bail application before the court of Magistrate soon after his arrest in the case, which was rejected by the learned Magistrate (Munsiff) Dooru, and thereafter, the applicant approached this court with the present application.

8. On conclusion of the investigation and laying of the chargesheet, it would have been proper for the applicant to approach the trial court with the plea of bail instead of this court as the trial court is in a better position to appreciate the submissions made by the rival parties with regard to the plea for bail raised by the applicant. Since the applicant has been charged of serious offence to have subjected the victim to sexual intercourse under the false promise of marriage and, particularly, in the face of the admission on the part of the applicant that he had a long relationship with the victim for over a period of three years, it will not be proper for this court to grant bail to the applicant at this stage when the charge is yet to be considered against the applicant/accused by the trial court.

9. This court restrains itself from commenting upon the merits of the case, lest it should prejudice the trial before the court below.

10. Having regard to the aforesaid discussion, the application is found to be without any merit and substance. Application is dismissed. The applicant, however, shall be at liberty to move the trial court for a fresh bail plea after framing of the charge, and the trial court, without being influenced by any observations made for the disposal of this application by this court, shall decide the application.

11. Disposed of as dismissed.

Srinagar
20.12.2025
Muzammil. Q

(M. A. CHOWDHARY)
JUDGE

Whether the Judgment / Order is Reportable: Yes / No