

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

Bail App 132/2024

UNION TERRITORY THROUGH POLICE
STATION BEMINA

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

Through: Mr. Mohsin Qadiri, Sr. Advocate with
Ms. Maha Majeed, Assisting counsel

Vs.

ZAHID MAJEED SHEIKH

...Respondent(s)

Through: M/s Mubashir Mushtaq, Adv. Burhan Din Bashir, Adv. and
Irfan Javaid, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

28.11.2025

Through the medium of this application, applicant is seeking setting aside of bail granted in FIR No. 55/2022 for the offence punishable under Section 376 IPC. The order of bail granted by the Trial court has been challenged in this application on the following grounds:

“...a. That, the Hon'ble Court has granted bail to the accused without adequately considering the victim's deposition and other incriminating evidence presented by the prosecution. The victim's testimony explicitly linked the accused to the commission of the crime, yet this critical evidence was not given due weight.

That, the prosecution presented a total of 8 witnesses, all of whom corroborated the sequence of events leading to and following the incident. The Hon'ble Court's decision to grant bail disregarded the collective pointed to the guilt of the accused. Given the gravity of the offence and the influence the accused may have, there is a substantial risk of witness tampering and threats to the victim and other witnesses. Granting bail to the accused undermines the safety and security of these individuals, potentially compromising the integrity of the trial.

That the accused is charged with a heinous crime under section 376 IPC, which carries severe penalties. Considering the serious nature of the allegations and the potential punishment if convicted, there is a significant risk that the accused might abscond to evade trial. Granting bail to the accused in such a high-profile case

could erode public confidence in the judicial system and send a negative message about the seriousness with which such crimes are treated. The Hon'ble Court did not adequately assess this risk while granting bail.

That the impugned order deserves to be set aside for the reasons also that the court below has neither appreciated the evidence nor has taken trouble of discussing the same while handing out the order. The Trial court has not given credence to the statement of prosecutrix when she was sexually assaulted by the accused. The matter being of sensitive importance and there is national pshche against crimes against the women and in the face of such circumstance the court below has demonstrated insensitivity while dealing with the matter. On this count also the impugned order deserves t be set aside and quashed”.

Heard learned counsel for the parties and peruse the record on file.

As is evident from the record of the Trial court as well as the order passed by the Trial court that at the time when the bail was granted the statement of accused stood already recorded and it was on the basis of record on the file, the Trial court has passed the order impugned.

Having gone through the grounds taken and material on record, I do not find any ground with the order passed by the Trial court. The Trial court has passed the reasoned order, therefore, this application lacks merits and is **dismissed.**

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
28.11.2025.
“Imtiyaz”