

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Bail App No.226/2025

Riyaz Ahmad Sheikh

...Petitioner(s)

Through: Ms. Nida Nazir, Advocate.

Vs.

UT of J&K & Anr.

...Respondent(s)

Through: None.

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

ORDER
28.11.2025

1. This Bail Application has been filed for grant of bail and for setting aside the order dated 24.05.2025 passed by the Trial Court, whereunder bail of the petitioner has been rejected. Operative portion of the said order dated 24.05.2025 is reproduced hereunder:-

“...In view of the foregoing, this Court is of the considered opinion that the accused has not made out any exceptional or compelling circumstances warranting the grant of bail. The statutory bar under Section 497 Cr. PC, the gravity and brutality of the offence, the prima facie evidence on record, and the likelihood of interference with the trial process collectively preclude enlargement of the accused on bail at this stage. The defense arguments and case law cited, while applicable to general bail jurisprudence, cannot override the specific statutory prohibition and

judicial precedents in cases of murder under Section 302 RPC.

Accordingly, the bail application filed by Riyaz Ahmad, Sheikh stands rejected at this stage of the trial, subject to the liberty of the accused to file fresh application if there are any material changes in circumstances during the course of trial. The bail application accordingly disposed off and be consigned to records after its due compilation.”

2. The factual matrix of the case is that on 02.01.2014, a complainant lodged a written report before the Police Station, Sopore alleging that on the said date the accused-petitioner herein came to the house of the deceased-Dawood Nabi Wagay and requested permission from the parents of the deceased to take him along on the pretext of some personal work. Since the accused-petitioner was known to the family of the deceased and was a relative, the parents permitted the deceased to accompany him. It was later found that the deceased did not return home and on enquiry it was revealed that he had been subjected to a brutal assault with a sharp-edged knife in the orchard of one Nazir Ahmad Dar at Gosiaabad Chinkipora, Sopore resulting into his death. Acting upon the said report, Police Station, Sopore registered a case, vide FIR No.02 of 2014 for the commission of offences punishable under Section 302 RPC and the investigation was set into motion. During the course of investigation, the accused was arrested from Malapora Sheeri, Baramulla along-with his stepdaughter, who was also taken into custody for recording her statement.
3. Learned counsel for the petitioner submits that the petitioner, who is presently lodged in the Central Jail, Srinagar, is suffering from some serious ailments which require immediate medical attention/care.

4. After arguing for a while, learned counsel appearing for the petitioner, at this stage, submits that she would confine to the alternative prayer made in the bail application and petitioner would feel satisfied in case learned trial court is directed to expedite the trial in the matter within some time frame. Furthermore, respondents be directed to provide immediate medical care to the petitioner.
5. In view of the innocuous prayer made by the learned counsel for the petitioner, the instant application is disposed of with a direction to the learned trial court to expedite the trial in the matter having regard to the right of speedy trial of the undertrials. Superintendent, Central Jail, Srinagar is also directed that in case petitioner, who is presently lodged in the Central Jail, Srinagar, requires medical attention/care, he may immediately be provided the same without any lapse.
6. **Disposed** of accordingly.

(M. A. CHOWDHARY)
JUDGE

Srinagar
28.11.2025
Muzammil. Q