

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**Bail App No.02/2026**

*Date of pronouncement:* 28.04.2026

*Date of uploading:* 28.04.2026

**Raman Kumar Age 27 years  
S/o Roop Lal  
R/o Village Mandyal, Tehsil  
Hiranagar District Kathua,  
presently lodged at District Jail  
Kathua**

...Applicant(s)

Through: Mr. Jagpaul Singh, Advocate.

**Vs**

**01. UT of J&K through Incharge Police Station Ramgarh**

**02. Madhu Devi W/o Lt. Gopal Chand  
R/o Village Chak Salarian, Tehsil Ramgarh,  
District Samba, mother of Ms. "X".**

...Respondent(s)

Through: Mr. Visha Bharti, Dy.AG with  
Mr. Vivek Mattoo, Advocate.

**CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**JUDGMENT  
28.04.2026 (ORAL)**

- 01.** Applicant has approached this Court for bail, after his plea for a similar relief, in terms of order dated 12.12.2025, passed by learned Principal Sessions Judge, Samba ["the trial Court"], came to be declined.
- 02.** As factual matrix of the prosecution case would unfurl, on 25.04.2022, a written application came to be preferred by the

complainant (name withheld) in Police Station, Ramgarh alleging *inter alia* that one Raman Kumar, the petitioner, kidnapped her youngest daughter, took her to Mansar area and raped her. The complainant further alleged that it was revealed by her daughter that accused lured her, forcibly took her to Mansar hotel and raped her by showing nude videos from his phone. Her daughter was a minor of 17 years of age. On the receipt of this report, FIR No.34/2022 for offences under Sections 376/363/354-A/506 IPC read with 3/4 POCSO Act came to be registered. The investigation culminated in the presentation of chargesheet in the trial Court.

**03.** Before a closer look at the grounds urged in the application, it is pertinent to note that applicant approached this Court for the quashment of charge under Sections 3/4 POCSO Act and his consequent release on bail, by way of CRM(M) No.498/2025 along with Bail App No.162/2025, and this Court vide order dated 17.10.2025, while dropping the charge under Sections 3/4 POCSO Act directed the applicant to approach the trial Court with a fresh bail plea. Accordingly, the applicant approached the trial Court and as stated it did not find favour with the trial Court primarily on the ground of gravity of the charge.

**04.** Applicant is aggrieved of the observation of learned trial Court primarily on the ground that since charge under the POCSO Act stands dropped by this Court and statements of the prosecutrix and her family members stand recorded, his incarceration shall not serve any purpose of the prosecution.

- 05.** The plea has been opposed on the other side by the respondents, predominantly on the ground of seriousness of accusations and severity of the punishment.
- 06.** Having heard learned counsels for the parties, I have gone through the record.
- 07.** Personal liberty of a citizen is too precious a value of our constitutional framework recognized under Article 21. Courts are required to take cognizance of the fact that liberty of an individual, whose involvement is to be established in a full dressed trial is not dealt with lightly, because it is a cardinal principle of criminal jurisprudence that bail is a rule and jail is an exception. Seriousness of charge, no doubt, is a material consideration in a bail plea but that cannot be the only factor to be taken into consideration, because if it is reckoned as the only basis, then it may amount to recalibration of scales of justice.
- 08.** Learned counsel for the respondents in CRM(M) No.498/2025 had fairly conceded that as per own admission of the prosecutrix, she had attained majority at the time of commission of offence on 13.04.2022. Pertinently, on this concession of the official respondents, the quashment petition came to be allowed and charge under Sections 3/4 POCSO Act came to be dropped.
- 09.** Admitted position of fact on record is that applicant came to be arrested on 26.04.2022, i.e. about 04 years back. The prosecutrix, her mother and sister stand examined by the trial Court. It is manifest from the pace with which trial is going on that examination of

remaining prosecution witnesses is likely to take a considerable time and since material witnesses of the prosecution stand examined, further incarceration of the applicant shall not serve any purpose of the prosecution.

10. Thus considered, present application is allowed and applicant is directed to be released on bail on his furnishing a surety bond to the tune of ₹25,000/- to the satisfaction of learned trial Court and a bond of personal recognizance of the like amount to the satisfaction of Superintendent of the concerned jail, subject, however to the following conditions that:

- i. he shall not leave territorial jurisdiction of the trial court without prior permission;
- ii. he shall attend the trial court in accordance with the conditions of the bail bonds and shall remain punctual;
- iii. he shall not commit an offence similar to the offence of which he is accused; and
- iv. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the trial Court or tamper with the evidence.

(Rajesh Sekhri)  
Judge

Jammu  
28.04.2026  
Eva

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|--------------------------------------------|---------|
| Whether the judgment is speaking or not?   | Yes/No. |
| Whether the judgment is reportable or not? | Yes/No  |