

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

**Bail App No. 30/2026
CrIM No. 392/2026**

*Date of pronouncement: 20.05.2026
Date of uploading:*

Shamshair Hussain Samyal

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

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Mohd. Nahiem Sheikh, Advocate

vs

UT of J&K and Anr.

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA for R- 1
Mr. Rahoof Khan, Advocate for R- 2

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

**ORDER
20.05.2026**

- 01.** Petitioner has approached this Court for bail in anticipation of arrest, under Section 482 BNSS, after his plea for similar relief came to be rejected by learned Principal Sessions Judge, Rajouri [“the trial Court”], vide order dated 04.02.2026.
- 02.** Background facts of the case are that on 01.12.2025, private respondent lodged a written complaint in Police Station, Rajouri, alleging *inter alia* that she was on friendly terms with the daughter of the petitioner. She treated the petitioner, a 60 year old man, as a father figure. About five months ago, when she went to the house of the petitioner to meet his daughter, there was no one present in the house and petitioner taking advantage of the situation, forcibly committed rape upon her. The complainant also alleged that petitioner captured her nude videos and threatened her with dire consequences if incident was disclosed to anybody. The complainant went on to allege that on 10.09.2025,

petitioner again committed rape upon her and repeatedly called her in his room for sexual favour and when she resisted, her nude videos were made viral by him on social media. On the receipt of this complaint, FIR No.0582/2025 came to be registered against the petitioner for offences under Sections 64, 79, 49 and 351(2) of BNS.

- 03.** Bail plea of the petitioner came to be rejected by the trial Court, primarily on the ground of gravity of the charge.
- 04.** Petitioner has taken an exception to the observation of learned trial court *inter alia* on the grounds that since statement of the prosecutrix stands recorded and investigation stands concluded, his arrest will not serve any purpose of the investigating agency.
- 05.** Heard arguments and perused the file.
- 06.** Mr. Sunil Sethi, learned senior counsel appearing for the petitioner has reiterated the grounds, urged the memo of petition.
- 07.** Mr. Bhanu Jasrotia, learned GA appearing for official respondent has opposed the plea primarily on the ground that petitioner is alleged to have committed a heinous offence.
- 08.** Mr. Rahoof Khan, learned counsel for the private respondent has submitted that prosecutrix has no objection if petitioner is admitted to bail.
- 09.** A perusal of the status report reveals that statement of the prosecutrix under Section 183 BNSS stands recorded before the concerned Magistrate, medical report of the prosecutrix has been obtained and investigation of the case is at the concluding stage.
- 10.** Be that as it may, since prosecutrix has no objection to the present petition, it is allowed and petitioner, in the event of arrest, is directed to

be released on bail on his executing a surety bond to the tune of Rs.25,000/- and a bond of personal recognizance of the like amount, subject however, to the conditions that:

- i. he shall not jump over bail and tamper with the prosecution evidence;
- ii. he shall not leave territorial jurisdiction of the trial Court without prior permission;
- iii. he shall not commit any offence similar to the offence he is accused of; 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.

11. Disposed of.

(Rajesh Sekhri)
Judge

Jammu
20.05.2026
Riya Kochhar

Whether the order is speaking? **Yes/No**
Whether the order is reportable? **Yes/No**