

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

Bail App No. 344/2025

Uploaded on: 10.03.2026

Suresh Kumar

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

Through: Mr. Vikram Arora, Advocate

Vs

UT of J&K and Anr.

..... Respondent(s)

Through: Mr. Vivek Mattoo, Advocate vice
Mr. Vishal Bharti, Dy. AG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
06.03.2026

1. The petitioner figures as an accused in charge-sheet titled "UT of J&K vs. Suresh Kumar" pending before the Court of Principal Sessions Judge, Samba (for short "Trial Court") and is seeking bail in the above mentioned charge-sheet arising out of FIR No. 173/2022 dated 11.12.2022 under Section 376 IPC and Sections 3/4 of the POCSO Act.
2. It is stated that the petitioner has been falsely implicated in the case as the petitioner and the victim intended to marry but her parents were against the

said marriage. It is further contended that there is a serious dispute with regard to the age of the victim.

3. Learned counsel for the respondents has filed the response stating therein that the petitioner is involved in commission of heinous offence of rape with a minor and, as such, he does not deserve to be enlarged on bail.
4. Learned counsel for the petitioner submits that there are contradictions in the evidence of the witnesses recorded before the learned trial Court. He further submits that there is a serious dispute with regard to the age of the prosecutrix as in the register maintained by the Chowkidar of the concerned village, the date of birth of the victim has been recorded as 06.10.2003.
5. Heard learned counsel appearing for the parties and perused the record.
6. The record reveals that the petitioner is accused of a serious offence and the statement of the prosecutrix has been recorded and she has not turned hostile. The contention raised by the petitioner that there are serious contradictions between the statements made by the prosecutrix as well as her parents cannot be appreciated while considering the application for grant of bail (see. ***Kalyan Chandra Sarkar v. Rajesh Ranjan, (2005) 2 SCC 42***).
7. The next contention of the petitioner is that there is a serious dispute with regard to the age of the prosecutrix as in the record maintained by the Chowkidar concerned, the date of birth of the prosecutrix has been recorded as 06.10.2003. It is further contended that the date of birth certificate issued by the school authority has not been issued in accordance with law. This contention cannot be appreciated at this stage, more particularly, when the statement of PW-10 has not yet been recorded.

8. In view of the above, this Court is of the considered opinion that at this stage no ground is made out for grant of bail to the petitioner. However, the petitioner shall be at liberty to approach the learned Trial Court for grant of bail after the statement of PW-10 is recorded.
9. The bail application is, accordingly, dismissed.

(RAJNESH OSWAL)
JUDGE

Jammu
06.03.2026
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Whether the order is speaking:	Yes/No.
Whether the order is reportable:	Yes/No.

