S. No. **94**
Regular Cause List

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

CRM(M)/602/2026

MOHAMMAD MALOOD THROUGH HIS FRIEND …Appellant/Petitioner(s)

Through: Mr. Saleem Gul, Advocate
Mr. Umar Mushtaq, Advocate

Vs.

UNION TERRITORY OF J ANDK THROUGH STATION HOUSE OFFICER POLICE STATION NOWGAM ...Respondent(s)

Through: Mr. Harris Khan, Assisting Counsel

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

O R D E R

30.09.2026

1) Learned counsel for the petitioner submits that although the petitioner has been admitted to bail by the Trial Court vide order dated 3rd of August, 2026, the conditions stipulated in paragraphs 66(a) and 66(b) thereof are unduly onerous. It is submitted that, apart from requiring the petitioner to furnish two sureties, the Trial Court has also directed him to deposit cash security of Rs.1.00 lakh.

2) It is contended that the Trial Court could have imposed either of the aforesaid conditions, but the simultaneous insistence upon furnishing two sureties as well as depositing cash security has rendered the conditions unduly burdensome and has, in effect, deprived the petitioner of the benefit of bail granted in his favour.

3) During the course of hearing, learned counsel for the petitioner submits that the petitioner is ready and willing to furnish two local sureties in compliance with condition stipulated in paragraph 66(a) of

the order, provided the requirement of depositing cash security is dispensed with.

4) Having considered the submissions made at the Bar, this Court is of the view that once the petitioner has been found entitled to the concession of bail, the conditions imposed while directing his release must be reasonable, proportionate and germane to the object sought to be achieved. Such conditions ought not to be so onerous as to render compliance difficult or illusory and thereby frustrate the very order granting bail. There can be no quarrel with the proposition that the learned Trial Court is empowered to impose appropriate conditions while granting bail in accordance with law. Such conditions, however, must bear a reasonable nexus with the object of securing the presence of the accused during the course of trial and ensuring that the liberty granted to him is not misused.

5) In the present case, once the petitioner has been required to furnish two sureties, the additional requirement of depositing cash security of Rs.1.00 lakh appears unduly onerous. Insistence upon both the conditions simultaneously would place an unnecessary impediment in the petitioner's release and may have the effect of rendering the benefit of bail granted vide order dated 03rd August, 2026, nugatory.

6) Accordingly, having regard to the submissions made by learned counsel for the petitioner and the circumstances noticed hereinabove, the conditions imposed vide order dated 3rd of August, 2026, are modified to the extent that the petitioner shall be released from custody upon furnishing two local sureties in the amount of Rs.1.00 lakh each and a personal bond of the like amount, to the satisfaction of the Trial Court. The Trial Court shall verify the identity and

antecedents of the sureties in accordance with law. The petitioner shall remain present before the learned Trial Court on each and every date of hearing unless his presence is specifically exempted by the court. The condition requiring the petitioner to deposit cash security of Rs.1.00 lakh shall, accordingly, stand deleted. All other conditions imposed by the Trial Court, insofar as they are not inconsistent with the present order, shall remain unaltered.

7) The petition is, accordingly, **disposed of** in the above terms.

8) A copy of this order be conveyed to learned counsel for the petitioner under the seal and signature of the Bench Secretary.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
30.09.2026
Shabroz