

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

Bail App 178/2026

ALI MOHAMMAD DAR

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

Through: Fayaz Ahmad Reshi, Advocate

Vs.

UT of JK and others

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
29.09.2026

1. Heard counsel for the petitioner for some time. It is fairly conceded by learned counsel for the petitioner that, in terms of FIR No. 41/2026 registered at Police Station Lal Bazar, the petitioner has been accused of the commission of an offence punishable under Section 376 of the Indian Penal Code, which carries a punishment that may extend to imprisonment for life, besides fine.
2. During the course of hearing, learned counsel for the petitioner pointed out that the petitioner earlier has approached the Court of Sessions at Srinagar seeking bail in anticipation of arrest. The said application, however, came to be rejected by the learned Sessions Court vide order dated 25.09. 2026. The specific case set up by the petitioner is that he has been falsely implicated. It is contended that the complainant had a civil dispute pertaining to landed property and that the petitioner, being an advocate, had rendered legal assistance

to her in connection with the said property. Learned counsel further submits that the allegations levelled by the complainant are false and motivated.

3. From the record, it transpires that FIR No. 41/2026, alleging commission of an offence under Section 376 IPC, has been registered at the concerned Police Station. The complainant has levelled specific allegations of sexual exploitation against the petitioner. The learned Sessions Court, upon examining the pleadings and the material placed before it, noticed the petitioner's contention that a civil dispute existed *inter se* the parties and that the FIR had allegedly been lodged with an ulterior motive. The learned Sessions Court, however, found that the allegations were of a serious nature and required thorough investigation, particularly in view of the allegation that the petitioner had sexually exploited the complainant on the pretext of marriage.
4. It further emerges from the order passed by the learned Sessions Court that the statement of the complainant is yet to be recorded in terms of Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).
5. I have examined the contents of the FIR. A perusal thereof reveals allegations that during the period 2023–2024, the petitioner established contact with the complainant and represented to her that he would marry her, thereby inducing her to take their relationship further. According to the complainant, she had no reason at the relevant point of time to suspect any ulterior motive on the part of

the petitioner, as she had allegedly been made to believe that the petitioner was a bachelor and intended to marry her. It is alleged that, acting upon such assurance and promise of marriage, she continued the relationship with the petitioner. The complainant further alleges that the said promise ultimately turned out to be false, as, according to her, the petitioner never genuinely intended to marry her.

6. Learned counsel for the petitioner, on the other hand, submits that the accusations are wholly false and have been levelled with an ulterior motive, including to extract money from the petitioner. In support of this contention, learned counsel has drawn the attention of this Court to proceedings under Section 138 of the Negotiable Instruments Act pending *inter se* the parties, an application stated to have been submitted before the Senior Superintendent of Police, Srinagar, as well as various documents purportedly demonstrating that, prior to registration of the FIR, there had been transactions, communications and disputes between the parties.
7. The investigation, however, is presently underway. The allegations contained in the FIR pertain to the commission of an offence punishable under Section 376 IPC. The FIR further reveals that, according to the complainant, in November 2025 she came to know that the petitioner was entering into a *Nikah* with another person. It is also alleged that the petitioner threatened the complainant that, unless she acceded to his demands, certain videos allegedly recorded by him depicting the two of them together would be made public.

8. The complainant has alleged that she was continuously subjected to threats and intimidation by the petitioner on the premise that the videos allegedly available on his phone would be made viral. According to her, the apprehended dissemination of such material, coupled with the petitioner's refusal to marry her, exposed her to the risk of humiliation and character assassination and ultimately compelled her to approach the police.
9. The accusations levelled in the FIR are grave and require a thorough investigation. Merely because there existed an agreement to sell concerning certain property between the petitioner and the complainant would not, by itself, nullify the allegations contained in the FIR. The agreement is stated to have been executed in March 2024. The complainant's case, however, is that during the course of their dealings and interaction, the petitioner induced her, on the basis of a false promise of marriage, to enter into a physical relationship with him and that the said promise ultimately turned out to be false.
10. Having regard to the nature of the accusations and, more particularly, the fact that the statement of the complainant is yet to be recorded under Section 183 of the BNSS, it would be premature for this Court, at this stage, to extend the concession of anticipatory bail to the petitioner. The allegations are grave and include a specific accusation of sexual exploitation. In this backdrop, the documents relied upon by the petitioner may have some bearing upon the defence that may ultimately be available to him; however, at this nascent stage of the investigation, the same cannot be regarded as

such clinching material as would dislodge the very genesis of the prosecution case or render the allegations in the FIR inherently improbable.

11. It is also not the petitioner's case that the complainant was a stranger to him. On the contrary, the consistent stand of the petitioner is that the parties were acquainted and that, in his professional capacity as an advocate, he had rendered legal assistance to the complainant. It is also admitted that there were certain property-related dealings between the parties, including an agreement to sell pertaining to property stated to be owned by the complainant. In the aforesaid circumstances, and keeping in view the nature and gravity of the accusations, the stage of the investigation, and the fact that material aspects of the matter are yet to be investigated, this Court does not find a prima facie case for extending the extraordinary concession of bail in anticipation of arrest to the petitioner at this stage. Accordingly, the present petition is **dismissed**.

(SANJAY PARIHAR)
JUDGE

Srinagar
29.09.2026
"Imtiyaz"