

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE DODA

CNR No. JKBD060019992022

File No. 142/2022

D.O.I. 17-10-2022

D.O.ORDER 18-10-2022

Kashif Qayoom S/o Abdul Qayoom R/o Mohalla Asthan Doda, District Doda.

.....Applicant/Accused Person.

Through:- Mr. Atif Rehmatullah, Advocate.

V/s

UT of J&K through SHO Police Station Doda.

.....Non-Applicant

Through:- APP for the UT of J&K

In the matter of: Bail Application.

FIR No: 226/2022 of Police Station Doda.

Offences under Sections 342/323 IPC & 75/82 JJ Act of Police Station Doda.

CORAM:-Prem Sagar UID No. JK0151

Ld. Counsel for applicant/ accused person is present.

Ld. APP for UT of J&K present.

ORDER

Application is moved before me for grant of bail for applicant/accused person. The Applicant has sought grant of bail, interalia, on the grounds that the applicant has not committed any offence but have been wrongly and illegally harassed by the police and in case bail is not granted, the applicant shall suffer an irreparable loss, which cannot be compensated by any other means. The applicants belong to a poor family, and he is the sole bread earner of his family and in case he is not granted bail the whole family of the applicant shall face starvation. That the applicant is ready to abide by all the terms and conditions as imposed by the Hon'ble Court while granting bail to the applicant, hence the application.

Police report was called from the concerned police station which reveals that applicant/accused is involved in case FIR No. 226/2022 of SHO Station Doda for the Commission of offences under Sections 342/323 IPC & 75/82 JJ Act which are bailable in nature. Accused is not arrested as yet.

Prosecution was directed to file objections who filed the same and stated that the offences committed by the accused is very serious and heinous in nature as such the accused cannot

claim bail as a matter of right. The investigation of the case is in progress as well and if the accused is admitted to bail at this stage and is released on bail, her courage to commit such offences shall be boosted and he will be no fear of law on his and he can float law with ease, also there is every likelihood of tampering with the prosecution evidence. Lastly prayed for rejection of bail.

Heard Learned Counsel for applicant and Learned APP. Accused has surrender before this court and by this Act of accused person the course of justice is enhanced. Perused the police report. Admittedly the alleged offences mentioned in the police report do not attract the rigorous of Section 437 Cr.PC as such keeping in view the stage of investigation, severity of punishment and personal liberty of the accused person involved, the applicant has made out of his case for grant of bail. Accordingly applicant is directed to be released on surrender bail subject to furnishing bail bond to the tune of ₹ 10,000/- to the satisfaction of this court, subject to following conditions.

- (1) Accused /Applicant is directed to furnish the bail bond to the tune of Rs. 10,000/- in court and personal bond of like amount to be given before the Investigation Officer and shall cooperate with I/O as and when called;
- (2) The accused shall not win over the witnesses in any manner whatsoever in nature;
- (3) The accused shall cooperate with I.O as and when called.

Accused person / applicant has furnished the bail bond in the court which is accepted and shall form part of the file. SHO Police Station Doda is directed to not to arrest the accused person abovestated in the abovesaid FIR and provided he is not needed in any other case after obtaining personal bond. Application is disposed off and shall form part of the challan when produced.

**Announced:
18-10-2022**

**Chief Judicial Magistrate
Doda**