

**THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SRINAGAR**

File No.	D.O.Institution	D.O.Order
430/ANB	25.10.2022	19.11.2022
CNR No: JKSG010032892022		

Zahoor Ahmed Mir son of Gh.Mohammed Mir
Resident of Sonwar, Srinagar at present Nishat,
Srinagar Kashmir

.....(Accused/applicant)

(Applicant through Advocate Irfan)

VERSUS

UT of J&K through SHO P/S Zakura, Srinagar

.....(Respondent)

(Respondent through Mr.Aijaz Hussain Public Prosecutor)

***In the matter of:* Petition under Section 438 Cr.P.C for the grant
of bail in anticipation of arrest of the
petitioner.**

CORAM: Jawad Ahmed

JO CODE: JK00053

ORDER

1. This is an application seeking pre-arrest bail on the grounds pleaded in the application. At the time of the presentation of the application, while calling for the report of the police, notice was also issued to the Public Prosecutor for filing objections and the court had directed that in the event of the arrest of the accused/applicant he be released on furnishing of surety and personal bond in the amount of Rs.30,000/- each, provided he is not involved in any offence which is punishable with death or imprisonment for life, imprisonment exceeding the term of 7 years

or any other offence triable by Special Judge under SC/ST(PoA) Act 1989, NDPS Act, UA (P) Act. Prevention of Money Laundering Act, 2002, NIA Act, 2008. However, the petitioner shall cooperate the police during investigation of the case and shall not tamper with the prosecution evidence in any manner, whatsoever. Police has submitted its report and the learned PP has also filed his objections to the petition.

2. I have heard learned counsel for the accused/applicant and Public prosecutor and also have gone through the police report to the petition.

3. As per police report on 03.01.2022 complainant has lodged a written complaint to the effect that the accused persons including Zahoor Ahmed Mir son of Ghulam Mohammed Mir Resident of Danipora, Brein at present Sonawar, Srinagar have deceitfully purchased live stock from him which valued Rs 56 lakhs, however, the accused persons have only paid Rs 20 lakhs and rest of the amount is still lying outstanding in respect of which the accused persons have issued cheques to liquidate the said amount but same got bounced due to insufficient funds.

4. On receipt of the complaint, SHO P/S Zakura, Srinagar registered FIR No. 01/2022 for offences under sections 420,506 IPC and started investigation. During investigation police recorded statement of the witnesses under section 161 of CrPC and prepared site plan. The police came to the conclusion that offences under Sections 420, 506 of Indian penal Code are made out.

5. As per police report that the accused/petitioner is allegedly involved in the commission of offences under Sections 420, 506 IPC. Out of these offences, offence u/s 420 IPC alleged to have been committed by the petitioner/accused is non-bailable in nature.

6. I have perused the police report and the objection preferred to this application. As per the complaint on the basis of which FIR has been lodged against the accused/applicant, it seems that there is some civil dispute between the parties regarding purchase of live stock and for payment and on consideration amount for the same.

6. The police report reveals that the accused is not required to investigating agency for investigation purpose. No recovery is required to be effected. The offences for which accused is apprehending arrest are not so serious, and do not carry a severe punishment, which would warrant his arrest.

7. Thus, keeping in view the overall circumstances of the case and the nature of the dispute between the parties, I allow this application and the interim pre-arrest bail order dated 25.10.2022 is made absolute subject to the conditions that the accused/applicant shall cooperate with the Investigating Agency as and when asked to do so, he shall not try to hamper or tamper with the prosecution evidence; he shall not leave the Kashmir Valley without prior permission of the Court.

8. This application stands disposed and shall be consigned to records after its due compilation.

Announced:
19.11.2022
(I.A.S)

(Jawad Ahmad)
Principal Sessions Judge,
Srinagar