

S. No. 201
After Notice
(Video Conference)

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

CrlM no. 1014/2019 in
CRA no. 1/2018 c/w
CRREF no. 2/2018
CRA no. 3/2018

Hilal Ahmad Yatoo

.... Appellant(s)

Through: Mr S. T. Hussain, Advocate

V/s

State of J&K.

... Respondent(s)

Through: Mr B. A. Dar, Sr. AAG

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge
Hon'ble Mr Justice Sanjay Dhar, Judge

ORDER
31.08.2020

Pending decision in the criminal conviction appeal, the appellants, i) Hilal Ahmad Yatoo S/o Ghulam Qadir Yatoo R/o Dalipora Shahgasi Mohalla Chadoora and ii) Shabir Ahmad Lone S/o Abdul Aziz Lone R/o Dolipora Chadoora, presently lodged in Central Jail, Srinagar, in connection with case registered as FIR No. 10/2012 of Police Station Chadoora for the commission of offences punishable under section 302, 120-B, 109 of the RPC, having been convicted and sentenced by the Court of Principal Sessions Judge, Budgam in terms of judgment dated 29th December, 2017, bearing File no. 149/Sessions, have filed an application seeking release on bail in view of the subsequent developments qua grant of bail on parity of case titled Irfan Ahmad Bhat v. State bearing bail application no. 173/2018, wherein the coordinate Bench of this Court has granted bail in favour of the accused in terms of order dated 25th February, 2020, with further support of the ground of having threat to his life on account of Covid-19 spread in the whole world including the Central Jail Srinagar where the convicts/ accused are lodged.

Mr S. T. Hussain, learned counsel for the appellants/ applicants, submits that as many as 78 inmates have been tested covid-19 positive. He further submits that throughout the country the courts have, while registering the claim of the inmates qua threat to their life on account of Covid-19 pandemic, released on short term the accused.

Before proceeding further and on thoughtful consideration of the matter we deem it proper to seek the report from the Superintendent Central Jail, Srinagar, vis-à-vis spread of Covid-19 in the Jail premises and the status of the accused. Report be submitted by or before 4th September, 2020.

List on 4th September, 2020. Mr B. A. Dar, learned Sr. AAG, shall be at liberty to file the objections to the application in the meanwhile. Copy of the order be sent to the Superintendent Central Jail, Srinagar, while as Mr B. A. Dar, learned Sr. AAG, shall be furnished a copy of it under the seal and signatures of the Bench Secretary of the Court. Bench Secretary shall also ensure that the copy of the bail application in both the matters are provided to Mr B. A. Dar, learned Sr. AAG, by the Registry.

(Sanjay Dhar) (Ali Mohammad Magrey)
Judge

Judge