



S.No.18

2024,JKLHC-JMU:3290

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Bail App No.22/2023
c/w
CRMC No.75/2017

Bahar Din and another ...Petitioner(s)

Through: None

V/s

UT of Jammu & Kashmir ...Respondent(s)

Through: Mr. Sumit Bhatia, GA

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER

05.11.2024

1. This is an application by the applicants seeking grant of bail in anticipation of their arrest in FIR No. 86/2016 dated 30.12.2016 for offences under Sections 376, 341, 342, 382 and 120-B RPC registered at Police Station, Mahore.

2. The application came up for consideration before this Court on 25.01.2023, when this Court after hearing Mr. Sheikh Altaf Hussain, learned counsel for the applicant and Mr. Adarsh Bhagat, Govt. Advocate appearing for the respondent and taking note of the facts and circumstances of the case, admitted the applicants to bail in anticipation of their arrest on the grounds enumerated in para 4 of the order subject to the conditions contained in para 8 of the order.

3. The S.H.O., Police Station, Mahore has filed objections and has submitted that it was alleged by the complainant that the applicants had bad intention towards her and wanted to establish physical relation with her. They



even threatened the complainant to implicate her in some false case, if she did not fulfill their illegitimate demand. On 18.08.2016, when the complainant was going from her parental home towards her matrimonial home, at Adbass, all of a sudden both the applicants restrained the complainant at about 4 p.m. and took her forcibly to the house of Ghulam Mohi Din and confined her in one room and committed rape upon her repeatedly.

4. The applicants have challenged registration of FIR against them in CRMC No.75/2017 and this Court having regard to the facts and circumstances of the case has shown indulgence vide order dated 19.05.2017 and stayed the investigation. This fact, too, has been taken into consideration by this Court while granting interim bail.

5. Having heard learned counsel for the respondent and perused the material on record, I am of the considered opinion that the order of interim anticipatory bail dated 25.01.2023 deserves to be made absolute for the reasons that the story projected by the prosecution does not inspire confidence and is not supported by the evidence which can be termed as unshakable and trustworthy. Prima facie view made by this Court for grant of bail is based on relevant material.

6. Be that as it may, nothing been brought to my notice which would indicate that the applicants, after having been released on bail, have violated any of the terms and conditions subject to which they have been granted interim anticipatory bail.

7. For the foregoing reasons, I see no reason to differ with the view earlier taken by this court while granting interim anticipatory bail. Accordingly, this



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bail application is disposed of by making the interim anticipatory bail granted
vide order dated 25.01.2023 absolute.

CRMC No.75/2017

Await appearance of the petitioners.

List again on 6th December, 2024.

(Sanjeev Kumar)
Judge

JAMMU:
05.11.2024
Vinod, Pvt. Secy.