

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Bail App No. 237/2022

Mohammad Azam & Ors.

.... Petitioner/Appellant(s)

Through:- Mr. Lawanya Sharma, Advocate

V/s

UT of J&K

.....Respondent(s)

Through:- Mr. Ravinder Gupta, AAG vice
Mr. Adarsh Bhagat, GA

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

Petitioners through the medium of this petition seek bail in anticipation of their arrest in FIR No. 166/2022 registered at Police Station Suronkote on 16.06.2022 for the commission of offences under Section 147, 452, 354, 342, 366, 382, 427, 323 of IPC, on a complaint registered by one Parveen Akhter.

The petitioners submitted that a false and frivolous case has been registered against them for the commission of the aforesaid offences. There is allegation against the petitioners that they have kidnapped one Feroz Akhtar from her matrimonial house, who is the daughter of the petitioner No. 1. Learned counsel for the petitioners submitted that the daughter of the petitioner No. 1, who was married to the son of the complainant namely Mumtaz Ahmed, was being subjected to harassment by her husband and in-laws and despite their best efforts, the complainant and other continued to harass and torture her. It is further submitted that on 09.06.2022, when the son of the petitioner No. 1 namely Zulfkar

Ahmed was returning back to his home from market, he was stopped and assaulted by the relatives of the complainant after taking him out of the car. He suffered grievous injuries in the said incident for which FIR bearing No. 154/2022 was registered by him at Police Station Surankote. It is stated that in order to take revenge as a counterblast, false and frivolous FIR in question was lodged by them on 16.06.2022, when the petitioner's daughter was physically assaulted by her husband and family members and she was thrown out of her house on the said date i.e. 16.06.2022.

On the basis of the allegations contained in the complaint on the basis of which FIR was registered, there is allegation with regard to the kidnapping of Feroz Akhtar who is a daughter of the petitioner No. 1 herein. Petitioner claims that they have been falsely implicated in the case and they apprehend arrest in the said false and frivolous case.

Having considered the arguments of the learned counsel for the petitioners and after going through the record, a case has been made out by the petitioners for grant of interim relief at this stage.

Issue notice to the respondents.

Mr. Ravinder Gupta, learned AAG enter appearance vice Mr. Adarsh Bhagat, learned GA and accepts notice on his behalf. He shall file a report as well as objections to the main application.

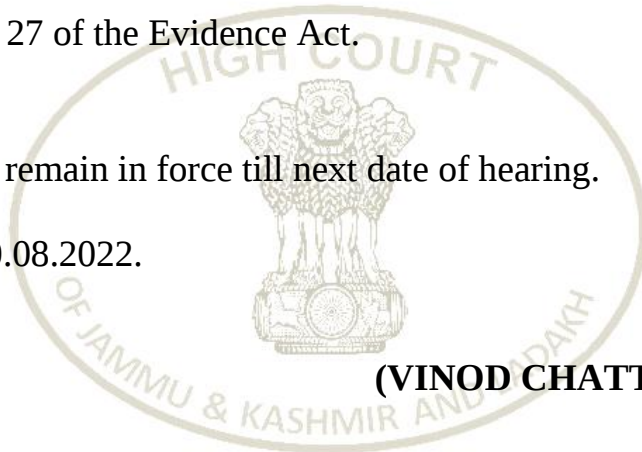
In the meanwhile, subject to objections from the other side, it is directed that in the event of arrest of petitioners by police in FIR No. 166/2022, they shall be released on interim bail on their furnishing bail

bonds and personal bonds to the tune of Rs. 50,000/- each on following conditions: -

1. that they shall not hamper the investigation or tamper with the prosecution evidence in any manner whatsoever.
2. that they shall remain present before the IO during the investigation of the case.
3. that he shall not leave the territorial jurisdiction of Police Station Surankote without the prior permission of the IO.
4. that in the event any recovery is made on the basis of disclosure made by the accused, same shall be treated to have been made in accordance with Section 27 of the Evidence Act.

This order shall remain in force till next date of hearing.

List again on 10.08.2022.



(VINOD CHATTERJI KOUL)
JUDGE

Jammu
07.07.2022
Vishal