

Serial No. 8
Suppl. List

IN THE HIGH COURT OF JAMMU AND KASHMIR
At SRINAGAR

(Through Video Conferencing)

EMG-CRLM No. 03-A/2020 in CRLA No. 04/2020

Ghulam Mohammad Kumar

---Petitioner/Appellant(s)

Through: Mr. M. S. Latief, Adv.

V/s

Union Territory of JK

---Respondent(s)

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

CORAM:

HON'BLE MR. JUSTICE ALI MOHAMMAD MAGREY, JUDGE

ORDER

16.04.2020

Heard learned counsel for the parties.

During the pendency of the conviction appeal, this application seeking suspension of sentence and grant of bail is filed in view of the directions and the guidelines passed by the Hon'ble Supreme Court in Suo Moto Case(Covid-19 lockdown)for ensuring decongestion of jail for preventing spread of Corona Virus.

Considered the material available on record, what transpires is that respondents registered FIR No. 39/2006 under Section 5(1) (d) read with 5(2) PC Act and 161 RPC against the petitioner and on his arrest, he was granted bail during trial. The trial court convicted the petitioner in the said FIR and sentenced him for two years with fine of Rs. 10,000/- and is presently lodged in District Jail Baramulla.

The Court is convinced keeping in view the situation as has arisen in view of the spread of Corona Virus in the whole of the country and in particular Union Territory of J&K.

Notice.

Mr. B.A.Dar, learned Sr. AAG accepts notice on behalf of respondent.

2.

In view of the above, sentence is suspended temporarily and bail granted on the following conditions:-

1. That the convict shall furnish personal bond in the amount of Rs. 50,000/- to the satisfaction of the concerned Jail Superintendent.
2. The Jail Superintendent shall ensure release of the convict on bail after getting him medically examined and screened by the doctors available in the Jail.
3. The SSP Baramulla and District Magistrate Baramulla shall ensure on screening of the convict if he is found medically fit to ensure his arrival at home.

Registrar Judicial to convey this order to the Jail Superintendent/District Magistrate/SSP Baramulla for compliance.

Copy of this order be also furnished to both the counsel appearing for the parties.

List on 30th April 2020.

(ALI MOHAMMAD MAGREY)
JUDGE

Srinagar
16.04.2020
Altaf