

Serial No. 2
Suppl. List

**IN THE HIGH COURT OF JAMMU AND KASHMIR**  
**At SRINAGAR**

**(Through Video Conferencing)**

**EMG-CrMC No. 09-A/2020**

Sheikh Mohammad Imran

---Petitioner/Appellant(s)

Through: Mr. AltafHaqani, 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

This application is filed by Sheikh Mohammad Imran who is alleged to be under detention by the orders of the Executive Magistrate Tehsildar Khanyar in terms of Section 107 and 151 CrPC and is lodged in Central Jail Srinagar.

This application is filed seeking a direction on the Executive Magistrate to accept the bond and release the detainee forthwith in compliance of the adherence of the directions of the Hon'ble Supreme Court for preventing the spread of Corona Virus in the Jails.

Mr. Haqani, learned counsel for the petitioner submits that the petitioner was never asked by the Executive Magistrate to furnish bond in terms of compliance to Section 107 of CrPC and the only power with the Executive Magistrate to detain the petitioner is till furnishing of the bond. Mr. Haqani further submits that the petitioner as on date is ready to furnish bond for ensuring that there is no breach of peace as alleged by the Executive Magistrate against the detainee. He further submits that the powers of the Executive Magistrate for ensuring adherence in terms of Section 107 and 151 have been elaborated and discussed by the Allahabad High Court in case reported in **AIR 1957 Cr.L.J. page 427**.

2.

Mr. Dar, learned. Sr. AAG vehemently resisted grant of any interim relief in favour of the petitioner on the ground that he is involved in embezzlement of huge amount and also there is every apprehension of breach of peace as stated by the Executive Magistrate while detaining him in terms of Section 107 and 151CrPC.

Heard.

Notice.

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

In the meanwhile, the Executive Magistrate, Tehsildar Khanyar Srinagar shall ensure adherence to the provisions of Section 107 and 151 CrPC and ensure release of the detenu after securing bond and necessary sureties to his satisfaction. For ensuring temporary release of the petitioner, the Executive Magistrate shall either approach the Central Jail Srinagar for doing the needful or on asking, the Superintendent, Central Jail Srinagar to produce the detenu before him for furnished bond. SSP Srinagar shall ensure proper arrangements of requisition for doing the needful. Further the Superintendent Central Jail, Srinagar shall ensure that the detenu is medically examined/screened with reference to adherence to the guidelines issued by the Ministry of Health and Family Welfare, Government of India.

List on 23<sup>rd</sup> April 2020.

Registrar Judicial shall convey this order to Executive Magistrate Tehsildar Khanyar, Srinagar, Superintendent Central Jail, Srinagar through e-Mail Services.

Copy of this order be also furnished to both the counsel appearing for the parties through e-Mail Services

**(ALI MOHAMMAD MAGREY)**  
**JUDGE**

**Srinagar**  
**16.04.2020**  
Altaf