



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

**Bail App No. 377/2025**

*Date of pronouncement: 18.05.2026*

*Date of uploading: 18.05.2026*

**Rakesh Kumar**, Age 30 years  
S/o Hansraj,  
R/o Ward No. 1, Village Basantpur,  
Kathua, J&K

..... Petitioner(s)/Appellant(s)

Through: Mr. Amit Gupta, Advocate.

vs

**01.UT of J&K** through  
Women Police Station Kathua  
Tehsil & District Kathua, J&K.

..... Respondent(s)

**02.Tanu Devi**  
W/o Rakesh Kumar, D/o Ashwani Kumar,  
R/o Basantpur Kangra,  
Tehsil Indora, District Kangra,  
Himachal Pradesh.  
A/p R/o Ward No. 1, Village Basantpur  
Kathua

Through: Mr. Suneel Malhotra, GA for R-1.  
Mr. Abhishek Gupta, Advocate for R-2.

**Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**ORDER(ORAL)**

01. Petitioner has invoked Section 482 BNSS for bail, in anticipation of arrest, in case FIR No. 0018/2025, registered with Police Station, Kathua, under Sections 4, 6, 12, 15 POCSO Act, 2012 and Sections 64, 65, 75, 351, 352 BNS, 2023, primarily on the ground of compromise with the prosecutrix-respondent No. 2, at whose instance FIR came to be registered.
02. Background facts of the case are that on 27.10.2025, respondent No. 2, lodged a written report against the petitioner and his brother,



primarily alleging that petitioner, who is serving in Indian Army, started visiting her house and hypnotised her for sexual favour.

03. It was alleged by the prosecutrix that she was minor and accused had been misusing her to fulfil his sexual lust for last three years. He showed her pornography videos on his mobile phone, thereby instigating and provoking her to establish sexual relation. It was also alleged that subsequently accused threatened her with dire consequences, if incident was disclosed to anybody. Accused also threatened to post her nude photographs on Facebook, Whatsapp and other social media handles to defame her. The complainant also alleged that brother of the petitioner would also call her and request for sexual favour by offering money and on her refusal, would use filthy abuses. On this written complaint, FIR in question came to be registered against the petitioner and his brother.
04. Pertinently, during the currency of investigation, the prosecutrix made an application to SSP, Kathua for re-recording her statement, whereby it was averred that her previous statement was not based on true and correct facts. She alleged that she was influenced and pressurised by police officials to make statements against the petitioner. She also moved an application along with affidavit in the Court of learned Session Judge, Kathua [“the trial Court”] stating *inter alia* that she was ill advised, tutored and influenced by the police officials because at that time she only wanted to marry the petitioner. She further stated that now she had attained the age of majority and wanted to marry the petitioner without further delay.



05. Statement of the prosecutrix/respondent No. 2 came to be recorded before Chief Judicial Magistrate, Kathua, whereby she deposed that she was in love with the petitioner for three years. Since for one month, petitioner did not pick her calls, she thought that he had cheated her. She got scared and thereafter she was ill advised and influenced by her relatives and police officials of Himachal to lodge the FIR. The prosecutrix further stated that now after having attained the age of majority, she is married to the petitioner and therefore do not want any legal action against him. It was also stated by the prosecutrix that she along with her husband-the petitioner had filed a joint petition in the High Court for the quashment of FIR.
06. The application preferred by the petitioner for bail in anticipation of arrest in the trial Court did not find favour primarily in view of bar contained in Section 482(4) of BNSS.
07. Petitioner is aggrieved of the observation of learned trial Court on the ground that since prosecutrix after attaining the age of majority has married him and she clearly deposed in the Magisterial Court that she had lodged the FIR under the influence of police officials and her relatives, no offence is made out against him.
08. The plea has been opposed on the other side by Mr. Suneel Malhotra, learned counsel for the official respondent on the ground of gravity of the charge and bar contained under Section 482(4) BNSS.
09. The private respondent/ the prosecutrix has no objection to the grant of bail in favour of the petitioner.



10. Having heard learned counsels for the parties, I have gone through the record.
11. The admitted position emerging from the record is that the prosecutrix-private respondent, in her statement before the Magistrate, has clearly stated that she was in love with the petitioner and had lodged the FIR against him and his brother on the advice of the police officials and her relatives. She also stated that she is married to the petitioner now and wanted to live with him.
12. Since prosecutrix has no objection to the grant of bail in favour of the petitioner, present application is allowed and petitioner is directed to be released on bail, in the event of his arrest on his furnishing a surety bond to the tune of Rs. 25000/- and a bond of personal recognizance of the like amount to the satisfaction of learned trial Court, subject however to the following conditions that;
- i) he shall not jump over bail, tamper with the prosecution evidence and threaten prosecution witnesses;
  - ii) he shall not leave territorial jurisdiction of the UT of J&K without prior permission of the trial Court; and
  - iii) he shall regularly appear before the trial court.
13. *Disposed of.*

**(Rajesh Sekhri)**  
**Judge**

**Jammu**  
18.05.2026  
*Sushant*

Whether the order is speaking? **Yes/No**  
Whether the order is reportable? **Yes/No**

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