

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL REVISION PETITION NO.195/2021

BETWEEN:

MASTER PAVAN S,
S/O SRINIVAS
AGED ABOUT 19 YEARS
RESIDING AT NO.678,
23RD CROSS,K.S.LAYOUT,
BENGALURU-560 078.

...PETITIONER

(BY SRI G.A.PREM KUMAR, ADVOCATE)

AND:

STATE OF KARNATAKA
J.P. NAGAR POLICE
BENGALURU 560 078
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENT

(BY SMT. RASHMI JADHAV, HCGP)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W. SECTION 401 OF CR.P.C PRAYING TO SET ASIDE ORDER PASSED BY THE L ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-51) IN CRL.A.NO.57/2020 ON 31.01.2020 IN CRIME NO.151/2019 OF J.P. NAGAR POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 341 AND 302 READ WITH 34 OF IPC.

THIS CRIMINAL REVISION PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This matter is listed for admission. Heard the learned counsel for the petitioner and learned High Court Government Pleader appearing for the respondent-State.

2. The factual matrix of the case of the prosecution is that, this petitioner, who is aged about 17 years, along with other accused persons, who are 21 in number, committed murder of two persons. Hence, the police have investigated the matter and filed the charge-sheet.

3. Learned counsel for the petitioner would submit that an application was filed before the Juvenile Justice Board to enlarge him on bail and the Juvenile Justice Board, vide order dated 04.01.2019, rejected the application filed under Section 12(1) of the Juvenile Justice (Care & Protection of Children) Act, 2015. Being aggrieved by the order of the Juvenile Justice Board, an appeal is filed before the Appellate Court in CrI.A.No.57/2020. The Appellate Court also, vide order dated 31.01.2020 dismissed the appeal. Hence, the present revision petition is filed before this Court.

4. Learned counsel for the petitioner would submit that the only allegation against this petitioner is that he conspired with other adult accused persons and no specific allegation against this petitioner. The counsel would also submit that this petitioner is in custody from September, 2019 and the very object of Section 12 of the Act has not been considered by the Juvenile Justice Board as well as the Appellate Court. The counsel would also submit that, other accused persons have already been enlarged on bail and on the ground of parity, the petitioner is entitled for bail.

5. Per contra, learned High Court Government Pleader appearing for the respondent-State would submit that specific allegation is made against this petitioner that he participated along with assailants, while committing murder of two persons and it is a heinous offence and even the petitioner has not attained majority and at this age, he had indulged in criminal act along with other accused persons. Merely because, he is in custody from the last 2½ years, the same is not a ground to enlarge him on bail.

6. In reply to the arguments of the learned High Court Government Pleader appearing for the respondent-State, learned counsel for the petitioner, relied upon the order passed by this Court in Crl.P.No.1983/2022 dated 22.03.2022 granting bail in favour of accused No.1 and submit that other accused persons are also enlarged on bail.

7. Having heard the respective counsel and looking into the material on record, admittedly, this petitioner is aged about 17 years as on the date of the incident. No doubt, there are several other accused persons, this Court has already granted bail in favour of accused No.1 and other accused persons are on bail. Apart from that, the maximum punishment in respect of the petitioner is concerned is 3 years and not more than that.

8. When such being the case and the petitioner is in custody from the last 2½ years, I am of the opinion that, it is a fit case to exercise the discretion to enlarge the petitioner on bail in Crime No.151/2019 of Jayaprakashnagar Police Station, Bengaluru City for the offence punishable under Sections 143, 144, 147, 148, 341, 302, 120-B, 427 read with Section 149 of

IPC and Section 3(2) of PDPP Act by setting aside the order passed by both the Courts, subject to the following conditions:

- (i) The petitioner/accused shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties for the likesum to the satisfaction of the Juvenile Justice Board.
- (ii) On behalf of the minor petitioner/accused, his father/mother has to endorse to the said security that, in the event if he fails, she is going to indemnify the said amount.
- (iii) He shall not temper with the prosecution evidence directly or indirectly.
- (iv) He shall not leave the jurisdiction of the Juvenile Justice Board without prior permission.
- (v) He shall not indulge in similar type of criminal activities.

**Sd/-
JUDGE**