

Vaseem Pasha vs State Of Karnataka on 13 July, 2021

Author: K.Natarajan

Bench: K. Natarajan

1

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION No.1573/2021

BETWEEN:

VASEEM PASHA,
S/O ABDUL BASHEER,
AGED ABOUT 30 YEARS,
R/AT NO.90, 3RD CROSS,
NEAR INDIAN SCHOOL,
KANAKA NAGARA, MANJU LAYOUT,
BENGALURU-560072. ... PETITIONER

(BY SRI M KRISHNE GOWDA, ADVOCATE)
AND:
STATE OF KARNATAKA
STATE BY V V PURAM P.S,
REPRESENTED BY
HIGH COURT GOVT PLEADER,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001. ... RESPONDENT
(BY SRI.K. NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER
SECTION 439 OF CR.P.C. BY THE ADVOCATE FOR THE
PETITIONER PRAYING THAT THIS HONBLE COURT MAY
BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.80/2020 OF VISHVESHWARAPURAM P.S.,
BENGALURU CITY FOR THE OFFENCE P/U/S 363,
370(3), 468, 419, 34 OF IPC AND SEC.81 OF JUVENILE
JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT.

2

THIS CRIMINAL PETITION COMING ON FOR

ORDERS, THIS DAY THROUGH VIDEO CONFERENCING,
THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioner/accused No.2 under Section 439 of Cr.P.C., for granting regular bail in Crime No.80/2020 registered by Vishveshwarapuram Police for the offences punishable under Section 363 of Indian Penal Code, later added Section 370(3), 468, 419 read with Section 34 of Indian Penal Code and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that on the complaint of one Abdul Rashid filed on 11.11.2020 alleging that on 9.11.2020, his wife got admitted to Vani Vilas hospital for delivery and female child was also born and the child was taken to ICU for the purpose of treatment. Later, the child was found missing. After lodging of the complaint, the child was rescued from Accused Nos.3 and 4 who is said to have borrowed the child from this petitioner and at the instance of this petitioner/accused No.2, kidnapped the child from the custody of the parents. This petitioner was arrested on 20.11.2020 and the investigation is also completed and charge sheet is filed.

4. Upon hearing the arguments of learned counsel for the petitioner and the learned HCGP and on perusal of the records, it shows that the co-accused person i.e., accused No.1 has been granted bail by this court in CrI.P.No.3431/2021 dated 25.06.2021. Accused No.5 was also granted bail in CrI.P.No.1082/2021 on 1.06.2021. The allegations against the petitioner and other accused are similar and they have also been granted bail. Therefore, this petitioner is also entitled for bail on the ground of parity. Hence, I pass the following:

ORDER The criminal petition is allowed.

The trial Court/jurisdictional court is directed to release the petitioner/accused No.2 on bail in Crime No.80/2020 registered by Vishveshwarapuram Police for the offences punishable under Section 363 of Indian Penal Code, later added Section 370(3), 468, 419 read with Section 34 of Indian Penal Code and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015, subject to the following conditions:-

- i) Petitioner shall execute personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for likesum to the satisfaction of the trial Court;
- ii) Petitioner shall not tamper with the prosecution witnesses directly or indirectly;
- iii) Petitioner shall not indulge himself in similar offences strictly;

iv) Petitioner shall take the trial without causing any delay; and

v) Petitioner shall not leave the jurisdiction of this court without prior permission of the trial court.

If any of the conditions are violated, the prosecution is at liberty to file an application for cancellation of bail.

Sd/-

JUDGE cbc