

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF FEBRUARY, 2016

BEFORE

THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO.8277/2015

BETWEEN:

NAWAZ PASHA @ AMAN
S/O. AKRAM PASHA
AGED ABOUT 19 YEARS
R/AT NO.167, 6TH CROSS
NAGAPPA LAYOUT, HOODI
MAHADEVAPURA POST
BANGALORE – 560 048.

...PETITIONER

(BY SRI.MOHAN KUMAR.D , ADV.,)

AND:

STATE BY MAHADEVAPURA
POLICE STATION
BANGALORE – 560 048.
REPRESENTED BY STATE
PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE – 560 001.

...RESPONDENT

(BY SRI.K.NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN (S.C.NO.999/2014) CR.NO.344/2014 OF MAHADEVAPURA P.S., BANGALORE CITY PENDING ON THE FILE OF II ADDITIONAL CITY CIVIL AND S.J. AND SPECIAL JUDGE, BANGALORE FOR THE OFFENCE P/U/S 302, 143, 147, 114,

115 R/W 149 OF IPC AND SECTION 3(2) (5) OF SC/ST (POA) ACT.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned counsel for the petitioner and learned High Court Government Pleader.

2. Petitioner is accused No.1 in Cr.No.344/2014 on the file of the respondent-police station. After concluding investigation, charge sheet is filed for the offences punishable under Sections 302, 143, 147 r/w 149 of IPC and Section 3(2)(5) of SC/ST (POA) Act.

3. The earlier bail application filed on his behalf came to be dismissed as not pressed on 20.01.2015 in CrI.P.No.8010/2014. Subsequently, another bail application was filed in CrI.P.No.1256/2015 came to be dismissed granting liberty to seek relief after completion of the evidence of prime witnesses.

4. Now it is argued that similarly placed accused have already been enlarged on bail by this Court and hence,

this petitioner is also entitled for grant of bail on parity ground. This Court is unable to accept the said submission.

5. It is submitted that charges have not been framed. The Court to which the case is committed will have to frame the charges at the earliest since the petitioner is in judicial custody for more than 1 ½ years.

6. Accordingly, the petition is dismissed. Liberty granted by this Court in CrI.P.No.1256/2015 to seek relief after completion of the evidence of prime witnesses remains unaltered.

**Sd/-
JUDGE**

VM