



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 344 OF 2026 (U/S 14(A) (2))

BETWEEN:

MOHAMAD MUNNA ALAM,
S/O AAS MOHAMMED MILYA,
AGED ABOUT 29 YEARS,
BAHURVA VILLAGE, BAHURVA POST,
MAHIRIYA STATION, JAGADISHPURA
DISTRICT, BIHAR STATE,
C/O RABBANI MADRASA,
DEVASANDRA, K.R. PURAM,
BENGALURU – 560 036.

...APPELLANT

(BY SRI. M SHASHIDHARA., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MAHADEVAPURA P.S.,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA
AT BENGALURU – 560 001.



2. MANJUNATH @ BABU,
S/O CHINNAPPA,
AGED ABOUT 41 YEARS,
R/AT 3RD CROSS, HOODI VILLAGE,
BENGALURU – 560 048.

...RESPONDENTS

(BY SRI. M.V. ANOOPKUMAR., HCGP FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS CRL.A. FILED U/S.14(A) (2) OF SC/ST (POA) ACT, 2015, BY THE ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 11.07.2024 IN CRL.MISC.NO.5513/2024, PASSED BY THE HON'BLE ADDL. CITY CIVIL AND SESSIONS JUDGE, FTSC-V, AT BENGALURU BY GRANTING BAIL TO THE APPELLANT IN SPL.C.NO.2451/2023, ORIGINATED FROM CRIME.NO.542/2014, FOR OFFENCES P/U/S 201, 302, 376 R/W SEC.34 OF IPC, SEC.6 OF POCSO ACT AND SEC.3(2)(5) OF SC/ST (POA) ACT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This appeal is filed by the appellant who is arrayed as accused No.1 seeking regular bail in Spl.C.2451/2023, arising out of Cr.No.542/2014 of respondent, on the file of the Addl. City Civil and Sessions Judge, FTSC-V, Bengaluru for the offences punishable under Sections 201, 302, 376 read with Section 34 of IPC and Section 6 of POCSO Act and Sections 3(2)(5) of SC/ST Act.

Factual Matrix of the case:

2. The case of the prosecution is that the appellant and the other accused person had been convicted in S.C. No. 1416/2014 vide judgment dated 10.10.2018. The appellant preferred an appeal against the said impugned order. This Court, in Crl.A.Nos.368/2019 c/w 2258/2018, set aside the judgment of conviction and remanded the matter to the Trial Court to afford an opportunity to the counsel to conduct cross-examination.
3. The learned counsel conducted cross-examination and filed an application to declare that the appellant was



juvenile at the time of committing the alleged incident and also at the time of facing the trial.

4. The Trial Court dismissed the said application by holding that the same issue had already been decided in Crl. Misc. No.2499/2024 by the same Court. Therefore, it cannot be decided again on the same issue.
5. Being aggrieved by the same, the appellant approached this Court claiming the juvenility and seeking bail by setting aside the order dated 11.07.2024.
6. Heard Sri. M.Shashidhara, learned counsel for the appellant and Sri. M.V.Anoop Kumar, learned HCGP for respondent No.1.
7. The learned counsel for the appellant submits that juvenility of the accused can be claimed at any stage. The documents produced by the accused were not appreciated properly by the Trial Court. Consequently, the impugned judgment was passed. The appellant is in judicial custody for the past twelve years. If the juvenility of the juvenile is granted to the appellant, the maximum



sentence can be imposed to the juvenile is three years. Therefore, the appellant may be enlarged on bail by setting aside the order dated 11.07.2024 passed in Crl.Misc.No.5513/2024 on the file of Addl. City Civil and Sessions Judge, FTSC-V, Bengaluru.

8. *Per contra*, learned HCGP for respondent No. 1 - State filed a statement of objections, contending that the appellant committed a heinous offence. It is submitted that the witnesses have already been cross-examined by the defense and the trial is at its fag end. At this stage, if the order is passed, there is a likelihood that the appellant may abscond. Moreover, since the appellant is a resident of Bihar, securing his presence would be difficult for the respondent-police. Therefore, it is not appropriate to grant any relief as prayed for in the appeal. Hence, the appeal may be dismissed.

9. Having heard learned counsel for the respective parties and on perusal of the findings of the order passed by the Trial Court, it appears that the Co-ordinate Bench of this Court had set aside the earlier conviction and remanded



the matter to the Trial Court for re-trial. The matter is pending for adjudication. At that stage, this application was filed for claiming juvenility and also brought to the notice of this Court that the appellant has been in judicial custody for the past twelve years.

10. In the light of the aforesaid observations, I proceed to pass the following:

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The impugned order dated 11.07.2024 passed in Crl.Misc.No.5513/2024 by the learned Additional City Civil and Sessions Judge, FTSC-V, Bengaluru is set aside.
- iii) The appellant is directed to be enlarged on bail in Spl.C.2451/2023 arising out of Cr.No.542/2014 of respondent, on the file of the Addl. City Civil and Sessions Judge, FTSC-V, Bengaluru, for the offences punishable under Sections 201, 302, 376 read with Section 34 of IPC and Section 6 of POCSO Act and Sections 3(2)(5) of SC/ST Act, subject to the following conditions:



- a) The appellant shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the likesum, to the satisfaction of the Trial Court.
- b) The appellant shall appear before the Trial Court on all hearing dates without fail.
- c) The appellant shall affix his signature before the jurisdictional police till disposal of the case.
- d) The appellant shall not threaten the prosecution witnesses.
- e) The appellant shall not hamper the Court proceedings.
- f) The appellant shall not leave the jurisdiction of the Court till disposal of the case.
- g) The appellant shall not commit or indulge in any other criminal cases, till disposal of the present case.

In case the appellant violates any of the bail conditions as stated above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

JS/-