

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 108 OF 2025

1. Pratik Prakash Narke
2. Vivek Umesh Chorge Petitioners

Versus

The State of Maharashtra Respondent

Mr. Kunal V. Patil, Advocate for the Petitioners.
Ms. Priyanka S. Rane, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2025.

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P.C. :

1. Heard learned counsel for the Petitioners and learned APP for the Respondent – State.

2. Learned APP produced sealed envelope containing report of the Deputy Superintendent of Dr. Sarvepalli Radha Krishnan Observation Centre/Children Home, Kolhapur, the same is taken on record.

3. By this writ petition, the Petitioners have challenged the impugned order dated 28th August, 2024 passed by the learned Additional Sessions Judge-1, Kolhapur in Criminal Appeal No.56 of

2024 and seeking regular bail in Crime No.596 of 2023 registered with Laxmipuri Police Station, District: Kolhapur for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B of the Indian Penal Code, 1860 (for short, "IPC") along with Sections 4 and 25 of the Indian Arms Act, 1959.

4. It is prosecution's case that on 13th November, 2023 at around 8:15 p.m. the Petitioners and co-accused assaulted the deceased using sharp weapon and murdered him. Initially, the offence was registered against unknown person. In investigation, it revealed that the Petitioners and co-accused have committed the said murder. Presently, the Petitioners are in Child Care Institution.

5. It is contention of learned counsel for the Petitioners that initially the offence was registered against unknown person. In investigation, the Petitioners have been arrested in connection with the said crime. No specific role is attributed to the Petitioners. Petitioners are school going students. If they remained in care institution, their education life will be hampered, but this fact has not been considered by the learned Sessions Judge. Hence, requested to allow the writ petition.

6. It is contention of learned APP that Petitioners and co-

accused assaulted deceased with sharp weapon and murdered him. If the Petitioners are released on bail, there is every possibility of pressurizing and threatening the first informant and other witnesses and tampering with the evidence. Hence, requested to dismiss the writ petition.

7. I have heard both learned counsel, perused F.I.R. and documents produced on record and impugned order.

8. Admittedly, the F.I.R. was lodged against unknown person in respect of murder of deceased Rushikesh. During investigation, the Petitioners have been arrested in connection with the said crime along with co-accused. At the time of incident, the Petitioners were seventeen years old. As per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 Act, the juvenile shall be released on bail. The only exception to the said provision is that he shall not be released if there appears to be a reasonable ground to believe that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. This Court had called the report of the Deputy Superintendent, CCL. In the said report, the Deputy Superintendent has stated that there is a drastic

change in the behaviour of the Petitioners. The said incident occurred due to bad influence of the Petitioners' friends. Petitioners repented from the said act and expressed deep regret. This report shows that the Petitioners have realized the effect of bad company and have decided to become good citizen. So, they are not going to be exposed to moral, physical or psychological danger or be a danger to the society, after they are released on bail. After undergoing timely counselling, petitioners have expressed deep regret about the said incident and stated that it occurred under the bad influence of their company and would not be repeated in the future. They wish to continue their further education after being released on bail. Considering the age of the Petitioners at the time of incident as well as the report of the Deputy Superintendent, if Petitioners remained in the Child Care Institution, it would be detrimental to their future.

9. In view of the above, I pass following order:

ORDER

- i. The Writ Petition is allowed;
- ii. The impugned order dated 28th August, 2024 passed by the learned Additional Sessions Judge-1, Kolhapur in Criminal appeal No. 56 of 2024, is hereby quashed

and set aside;

- iii. The Petitioners/CCL be released on P.R. Bond in the sum of Rs.5,000/-(Rs. Five Thousand) each with one or two sureties to be furnished by their family member in the like amount.
- iv. The natural guardian/father of the Petitioners/CCL shall furnish an undertaking to take proper care of the Petitioners/CCL so that they would not be indulge in any criminal activities, while on bail and shall be produced before the Children's Court, as and when required.
- v. The Juvenile Justice Board, Kolhapur shall inform about the release of the Petitioners/CCL on bail to the Deputy Superintendent of Dr. Sarvepalli Radha Krishnan Observation Centre/Children Home, Kolhapur as per the Provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 Act.
- vi. The Petitioners/CCL shall not tamper with the evidence or attempt to influence or contact the

witnesses or any person concerned with the case;

10. The Writ Petition is allowed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)