

Tikam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 396 OF 2026**

Vs.	...Applicant
Mrs. Menal Dhrumil Patel and Anr.	...Respondents

Mr. Jitesh Jadhav a/w. Sushant Valimbe a/w. Manish Singh a/w. Abhijeet Yadav a/w. Padmavati Vaishya a/w. Nihal Mishra, Advocates for Applicant.

Mr. Atharva Dandekar a/w. Ruben Mascarenhas a/w. Tejas Gupta a/w. Varad Sirsikar a/w. Khushida Shaikh a/w. Hitendra Parab, Advocate for Respondent No.1.

Mr. B. B. Kulkarni, APP for Respondent-State.

PSI Takawale Trupti, Tilaknagar Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th SEPTEMBER, 2026.

P.C. :

1. Heard learned counsel for the Applicant, Respondent No.1 and learned APP for the State.

2. The challenge in this application is to the impugned order passed by the Learned Additional Sessions Judge, Bombay, whereby he has allowed the Criminal Appeal and cancelled the bail granted to the Applicant by the Juvenile Justice Board, Suburban, Dongri, Mumbai, at the time of incident Applicant was a child in conflict with Law (for short, 'CCL'). Now the applicant is major.

3. It is prosecution's case that on 05/02/2026, Applicant drove the car of his father rashly and negligently and at an excessive speed and gave

**VAISHALI
ANIL
TIKAM**

Digitally signed by
VAISHALI ANIL
TIKAM
Date: 2026.09.16
13:56:11 +0530

Tikam

dash to the husband of Respondent No.1, who was riding a bike. Due to the said dash, the husband of Respondent No.1 died while undergoing treatment and Respondent No.1 became permanently disabled. It is alleged that at the time of the incident, Applicant was 17 years and 8 months' old. The Juvenile Justice Board (for short, 'JJB') granted bail to the Applicant. The said order was challenged before the Learned Sessions Court. Accordingly, the Learned Sessions Judge passed the impugned order which is under challenge.

4. It is contention of learned counsel for the Applicant that at the time of the incident, Applicant was below 18 years of age. The incident happened suddenly. The Applicant had no intention to give a dash to Respondent No.1 and her husband. At the time of incident, Applicant was studying in 12th Standard. He was in observation home for around 10 days. He has co-operated with the investigation. Presently he is in First Year, he is attending college regularly. He is not residing in the vicinity where the incident occurred. Investigation is completed. Charge sheet has been filed. Applicant is attending the proceedings before the JJB regularly. Applicant has no antecedents. Considering the age of the Applicant and the fact that he is student, the Learned Sessions Judge should not have cancelled his bail. No purpose would be served by keeping the Applicant in observation home. Learned counsel further submitted that as per the

Tikam

JJB's order, Applicant was staying outside the jurisdiction of Tilak Nagar Police Station and he has complied with all the terms and conditions of JJB and he does not fall within the ambit of Section 12 of the Juvenile Justice Care and Protection of Children Act, 2015 (for short, 'Juvenile Justice Act'). Learned counsel further submits that there are no specifics regarding the visit of the Applicant to the incident spot after the registration of the crime. Plea has been recorded and he requested to allow the application. He relied on the following judgments.

1. **Shilpa Mittal Vs. State of Maharashtra and Anr.**¹
2. **Pooja Gagan Jain Vs. Stat of Maharashtra**²;
3. **Raman S/o. Prakash Mundhe and Anr. Vs. The State of Maharashtra and Anr.**³

5. It is contention of learned APP along with learned counsel for Respondent No.1 that Applicant was in the habit of performing stunts on bikes and cars on public road. He posted his stunt acts on his Instagram account. The act of the Applicant was dangerous to the public. . It shows that he had habit of driving the vehicle rashly and negligently causing danger to the general public. On the day of incident, he drove the car in such a way and at an excessive speed and gave a dash to the deceased and respondent No.1, who had no fault, as they were proceeding on the road on their side. The accident occurred due to the negligence of the

¹ Criminal Appeal No. 34 of 2020 arising out of SLP (Cri.) No. 7678 of 2019.

² Criminal Writ Petition No. 2372 of 2024 dated 25th June 2024

³ Anticipatory Bail Application No. 277 of 2022 dated 15th July 2022.

Tikam

Applicant. Applicant was 17 years and 8 months' old at the time of the accident. So, he was almost major. It is not that the Applicant was driving the vehicle for first time. Due to the act of the Applicant, the deceased lost his life and Respondent No.1 has become completely paralyzed and she is unable to move. So she has to suffer throughout her life without any fault on her part.

6. Learned App further submitted that after being released on bail, Applicant visited the crime spot and his parents were aware about the stunt videos posted on the Instagram, but they did not take any precautionary measures. The JJ Board observed that they had no control over him. Learned App further submitted that while releasing the Applicant on bail, the learned JJ Board in paragraph 13 has observed that the parents of the Applicant are capable of taking care of him. But in paragraph 16, the JJ Board has observed that there is lack of parental control. Nevertheless, he was enlarged on bail. This case falls within the exception to Section 12 of Juvenile Justice Act as he will be exposed to moral, physical and psychological danger due to lack of parental control and the group of friends who also perform stunts and it will defeat the ends of justice. Thus, falling within the proviso to Section 12 Sub-section (1). Hence, his bail being set aside by the Learned Appellate Court is proper. Learned App further submitted that after registering the offence

Tikam

against the Applicant, his performing stunts videos and photographs on Instagram Account were deleted, which amounts to destruction of evidence, and the friend of the Applicant has been charged for the said act. Learned App further submitted that after setting aside the order of JJB, when police visited Applicant's address at Koparkhairane, where he was supposed to stay as per the bail condition, he was not found there and the police thereafter visited the Applicant's residence at Chembur's, where the mother of the Applicant informed the police that she was not aware about the whereabouts of the Applicant. He submitted that the Learned Judge has passed a well-reasoned order, no interference is required in it and requested to reject the application.

7. Heard rival submissions. Perused impugned order. While setting aside the order passed by the Learned JJB, the learned Sessions Judge has observed that in the incident, one person who was an earning member of the family lost his life. Respondent No.1 became permanently disabled due to the stunt performed by the CCL. On the date of the incident, CCL was 17 years and 8 months' old. He further observed that, the family of CCL had offered some money to the victims to settle the matter and it reveals that CCL was involved in the company of spoiled and affluent children and was making stunts on two wheelers and four wheelers, which may be dangerous to the lives of other persons. If he is

Tikam

kept in the reformation room, then it would be useful for the CCL as well as in the interest of society at large. Releasing the CCL, within a short period of the incident, would not serve the ends of justice and would undermine the confidence of society. I do not find infirmity in observations of learned judge. It appears from record that the Applicant was in the habit of making stunts on two-wheelers and four wheelers. He was not only performing such stunts, but he was also posting videos of the stunts on the public Instagram page “ryankelafdebaaz”. The screenshots of the said Instagram page have been produced on record, which show the Applicant driving a car while one of his friends was lying flat on the bonnet and windshield of the said car, and while his other friends were hanging out of the said car without wearing seatbelts. The same shows that the Applicant was not only reckless about his own safety but also that of the others around him. The screenshot further shows the Applicant riding a scooter with 2 pillion riders without any helmet and performing a wheelie with two of his friends on the pillion seat etc. It shows that Applicant not only put the health and safety of himself, but also of others, at risk, and he was in the habit of boasting about his acts. His parents were aware of the said acts, but they did not take any efforts to control the act of the Applicant. Resultantly, one person has lost his life and other became completely paralyzed without any fault on their part. The Applicant was driving the two-wheeler and four-

Tikam

wheeler vehicle before attaining the age of 18, which is the lawful age for driving a vehicle, and he was driving them on the road precariously, which would have caused danger to the general public, who were not at fault. It shows that parents of the Applicant have no control over the activities of the Applicant. At the time of the incident, Applicant was 17 years and 8 months' old. It was as good as being 18 years of age. It is necessary to curb such activities, which spoil children and causes threat to the society. Though he is a student, keeping him in a reformatory home would make him understand gravity of his act. After releasing the Applicant by the JJB, he was supposed to stay at Koparkhairane, but when police made an enquiry, he was not available at the given address, nor had he contacted the police after making the enquiry. It shows that he has scant respect for the orders passed by lawful authority. Now, the Applicant is a major. When he was a child, there was no parental control over him. The Applicant would be exposed to moral, physical and psychological danger due to lack of parental control. He may again indulge in stunt act with his friends, causing danger to others. It will defeat ends of justice. The stunt videos are deleted from his Instagram account, which amounts to destruction of evidence, and friend of the Applicant has been charged for the said offence. The Learned Sessions Judge has passed well-reasoned order therefore no interference is required in it.

Tikam

8. Considering these facts, I do not find any merit in the application. I have gone through the case laws cited by the learned counsel for the Applicant. The facts of the cited cases and present case are different, hence, not applicable. In view of the above, I pass following order:

ORDER

Criminal Revision Application is rejected.

(SHIVKUMAR DIGE, J.)