

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.11.2019

Coram::

The Honourable Mr.Justice M.S.RAMESH

Criminal Original Petition No.29036 of 2019

M.Nandeesh Kumar, (Minor)
Represented by his father and natural guardian,
M.Muniraj,
No.133, Mottur,
Thiruvanapatti Post,
Uthangari Taluk,
Krishnagiri District. Petitioner

/versus/

State Represented by
The Inspector of Police,
Kallavi Police Station,
Krishnagiri,
Krishnagiri District.
Crime No.159 of 2019. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, 1973, praying to direct the Juvenile Justice Board, Krishnagiri to consider the application for bail of the petitioner in Crime No.159 of 2019, on the file of the respondent, on the same day of its presentation, dispose in accordance with law.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

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O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the respondent.

2. The petitioner herein is alleged to have committed offences under Sections 7 & 8 of Protection of Child from Sexual Offences Act, 2012. The victim is also a child.

3. Under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, when a child is alleged to have committed Non-bailable offence, is produced before the

Juvenile Justice Board, such a child shall be released on bail.

Proviso to Section 12 stipulates that such a child can be refused bail if there appears reasonable ground for believing that the (i). release is likely to bring that person into association with any known criminal or (ii). expose to said person to moral, physical or psychological danger or (iii). that the person release would defeat the ends of justice and the Board shall record the reasons for such refusal.

4. In the background of this legal position, the Learned Counsel for the petitioner apprehends that in case the bail application is not considered on the same day, the child may be sent to an Observation Home or place of safety and therefore seeks for consideration of the bail application on the same day.

5. In my view, such request seems to be reasonable as well as acceptable and therefore, this Court is inclined to order the Criminal Original Petition as prayed for.

6. In the light of the above observation, there shall be a direction to the Juvenile Justice Board to consider the application for bail of the petitioner in Crime No.159 of 2019 on the same day of its presentation, which shall made by the petitioner atleast within a period of one week, from the date of receipt of a copy of this order and the Juvenile Justice Board, Krishnagiri, shall endeavour to dispose of in accordance with law and in particular to the provision of Section 12 of the Juvenile Justice Board (Care and Protection of Children Act), 2015.

7. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

bsm

Copy to,

1. The Inspector of Police,
Kallavi Police Station,
Krishnagiri,
Krishnagiri District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The Juvenile Justice Board,
(Care and Protection Children Act 2015),
Krishnagiri.

+1cc to Mr.C.D.Sugumar, Advocate, S.R.No. 90847

Crl.O.P.No.29036 of 2019

SR(CO)
GN(18/11/2019)



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