

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.30573 of 2019

S.Arunachalam (Minor-17 years)
Rep. by his father & natural guardian
A.Senniappan

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Puliyampatti Police Station,
Erode District.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction to the learned Judicial Magistrate, Juvenile Justice Board, Erode to consider the bail application on the same day and pass orders in Crime No.400 of 2019 on the file of the respondent police.

For Petitioners : Mr.S.Parthasarathy

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This petition has been filed to issue direction to the learned Judicial Magistrate, Juvenile Justice Board, Erode to consider the bail application on the same day and pass orders in Crime No.400 of 2019 on the file of the respondent police.

2. Under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, when a child, who is alleged to have committed a bailable or non-bailable offence, is brought before the Board, the said child shall be released on bail under the supervision of a Probation Officer or any other person. However, the proviso to Section 12 of the Act restricts such release in certain circumstances.

3. The apprehension of the petitioners is that the respondent police is trying to detain the juvenile and

therefore, seeks for a direction to the Juvenile Justice Board to consider the application for anticipatory bail on the same day.

4. In view of the restricted protection under Section 12 of the Juvenile Justice Act, it would be appropriate for this Court to direct the Juvenile Justice Board to consider the petitioners' application on the same day, on its own merits and pass appropriate orders. It is made clear that this Court has not expressed any of its views with regard to the merits of the petitioners bail application and it is open to the Board to pass appropriate orders in accordance with law.

5. In the light of the above observations, there shall be a direction to the learned Judicial Magistrate, Juvenile Justice Board, Erode to consider the petitioners' bail application in Crime No.400 of 2019 pending on the file of the respondent police on the same day of the juveniles production before the Juvenile Justice Board.

6. The Criminal Original Petition stands disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/jas

To

1. The Judicial Magistrate,
Juvenile Justice Board,
Erode.
2. The Inspector of Police,
Puliyampatti Police Station,
Erode District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Parthasarathy, Advocate SR.94884

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NR(CO)
CB(30/12/2019)