

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.30475 of 2019

1. Kaliyappan

2. Ashokan

...Petitioners

Vs.

State Rep. by
The Inspector of Police,
Veepankuppam Police Station,
Vellore District.
Crime No.308 of 2019)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Juvenile Justice Board, Vellore, Vellore District to consider the petitioner's juvenile sons namely (1) Rajesh, aged about 17 years, S/o.Kaliyappan, (2) Deepak @ Veermahendran, aged about 16 years, S/o.Ashokan, bail application in Crime No.308 of 2019 pending on the file of the respondent police on the same day on their surrender.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the learned Juvenile Justice Board, Vellore District to consider the petitioners' juvenile sons' bail application in Crime No.308 of 2019 pending on the file of the respondent police on the same day on their surrender.

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 Juvenile Justice Board to consider the petitioners' bail application in Crime No.308 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(CS-II)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Juvenile Justice Board,
Vellore District.
2. The Inspector of Police,
Veepankuppam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.E.Kannadasan, Advocate SR.No.94183

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GJ(CO)
GMY(18/11/2019)