



Crl.O.P.No.30094 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30094 of 2022

Minor D.Vijay
Rep. by his father & natural guardian
Dhanasekaran.

... Petitioner

Vs.

State rep by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District,
In Crime No.577 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue direction to the learned Judicial Magistrate, Juvenile Justice Board, Tiruppur to consider the bail application on the same day and pass orders in Crime No.577 of 2022 on the file of the respondent, Dharapuram Police Station, Tiruppur District.

For Petitioner : Mr.P.Kalimuthu

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)



Crl.O.P.No.30094 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Juvenile Justice Board, Tiruppur to consider the petitioner's son aged about 17 years, bail application in Crime No.577 of 2022 on the file of the respondent police on the same day on his surrender.

2.The learned Government Advocate (Criminal side) submitted that the case in Crime No.577 of 2022 is registered against petitioner's son and other accused for the offence under Sections 274(b), 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act,2002. The petitioner's son is the third accused in this case and he is not yet apprehended so far.

3.The learned counsel for the petitioner submitted that if the petitioner's son is apprehended and produced before the learned Juvenile Justice Board, the bail application may not be considered on the same day. He requires permission of the Court to surrender the child in conflict with law before the learned Juvenile Justice Board and prays that the bail application to be filed on behalf of petitioner's son may be considered on the same day.



Crl.O.P.No.30094 of 2022

WEB COPY

4. Section 12 of Juvenile Justice (care and Protection of Children) Act, 2000 mandates the Juvenile Justice Board to consider the bail application of child in conflict with law, who is involved in the commission of non-bailable offence and he be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit person. Only in cases, where it appears there are reasonable grounds for believing that the release is likely to bring that person in association with any known criminal or expose the said person to the moral, physical or psychological danger or that the person released to defeat the ends of justice, the Board shall record the reasons for denying the bail.

5. In the case before hand, the offences involved in this case are under Sections 274(b), 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Therefore, the learned Juvenile Justice Board, Tiruppur is directed to consider the bail application of the petitioner along with surrender application on the same date and pass orders on merits as indicated above.



Crl.O.P.No.30094 of 2022

G.CHANDRASEKHARAN, J.

shk

6.Accordingly this Criminal Original Petition is disposed of.

06.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

1.The Judicial Magistrate,
Juvenile Justice Board,
Tiruppur.

2.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.30094 of 2022