



CRL OP(MD). No.20192 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20192 of 2024

Jana

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Koodal Pudhur Police Station,
Madurai City,
(In Crime No. 645 of 2024).

... Respondent/Complainant

For Petitioner : Mr.R.Ramanujam, Advocate.
for M/s.Gandhi Associates, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 645 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 29.09.2024 for the offence under Sections 304(2) of BNS in Crime



CRL OP(MD). No.20192 of 2024

No.645 of 2024, on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that the petitioner was involved in the theft of Black Samsung phone worth about Rs.2,500/-. There are two accused in this case and the petitioner has been arrayed as Accused No.1

3. The learned counsel appearing for the petitioner submitted that the petitioner is hardly aged about 19 years and that as a juvenile, there were four cases registered against him and presently, four cases were registered and he was arrested on the same day in all the four cases. He further submitted that false cases are foisted against the petitioner and that the petitioner has suffered incarceration from 29.09.2024.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner is a habitual offender. He further submitted that there are eight previous cases against the petitioner, out of which, four cases were registered, when he was a juvenile and four cases were registered after he attained majority. It was further submitted that the petitioner is repeatedly involved in the theft cases and as a result of which, he was a nuisance to the society. Hence, the learned Government Advocate (Criminal Side) vehemently opposed the grant of bail to the petitioner.

5. This Court has carefully considered the submissions made on either side



and the materials available on record.

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6. The case in hand is a typical case study as to how the criminal justice system works in this country, when a youngster gets caught while committing a crime and thereafter how he is sucked into a web of series of cases, which inundates him. He is pushed to a corner where the youngster understands that even if he is not involved in a criminal case, the Police are going to rope him in other cases and therefore, he decides to continue committing various offences. At one stage, this youngster will end up as a gang leader and will become a larger nuisance to the Society. This is the story of many juveniles, who are caught committing a crime and who ultimately end up becoming incorrigible offenders. Even though efforts are being taken to reform such juveniles, such efforts have not spread across the State of Tamil Nadu.

7. For instance, in Chennai, there is a reformatory project conducted in the name of (*)PARAVAI AND PATTAM Projects. This effort has the support of the State Government and the State Government has also allocated separate funds to the tune of Rs.40,00,000/- recently for the said project. This effort must spread throughout the State of Tamil Nadu to ensure that such juvenile offenders are brought into the main stream of the Society and they are not pushed to become notorious criminals in future. The Society and the system owes a responsibility to ensure that



CRL OP(MD). No.20192 of 2024

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the juvenile offenders are brought back into main stream of the Society. The copy of this order shall be marked to the Inspector General of Prison's and Correctional Services, (Head Quarters), Gandhi Irvin Road, Egmore, Chennai-08, the Deputy Inspector General of Prison's and Correctional Services, Madurai Range, Arasaradi, Madurai-16 and the Deputy Inspector General of Prison's and Correctional Services, Trichy Range, Race Course Road, Trichy-620 020.

8. Taking into consideration the facts and circumstances of the case and considering the manner in which repeated FIRs have been registered against the petitioner, who is hardly aged about 19 years and also the fact that the petitioner has suffered incarceration from 29.09.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the learned Judicial Magistrate No.IV,



CRL OP(MD). No.20192 of 2024

Madurai, daily at 10.30 a.m. until further orders.

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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
21/11/2024

(*)For Corrected as per Order of this Hon'ble Court dt.22/11/2024 in Crl.OP(MD). 20192/2024.

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21/11/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

TO BE SUBSTITUTED WITH THE ORDER DT.21/11/2024 IS ALREADY DESPATCHED

1.The Judicial Magistrate No.IV, Madurai.



CRL OP(MD). No.20192 of 2024

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1.The Inspector General of Prison's and Correctional Services
(Head Quarters),
Gandhi Irvin Road,
Egmore, Chennai - 08.

2.The Deputy Inspector General of Prison's and Correction Services,
Madurai Range,
Arasaradi, Madurai-16.

3.The Deputy Inspector General of Prison's and Correction Services,
Trichy Range,
Race Course Road, Trichy-620020.

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-14331[I] dated
21/11/2024)

ORDER
IN
CRL OP(MD) No.20192 of 2024
Date :21/11/2024



CRL OP(MD). No.20192 of 2024

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