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Crl.OP.No.14598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14598 of 2025

John Jebaraj

... Petitioner(s) /Accused

Vs.

State rep. by

The Inspector of Police,

All Women Police Station (Central),

Gandhipuram,

Coimbatore.

Crime No.13 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail pending investigation in Crime No.13 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.M.Subash Babu, Senior Counsel
for M/s.M.Malaviya.

For Respondent(s) : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 13.04.2025, seeking bail in



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Crime No.13 of 2025 registered for the offences under Sections 9(1), 9(n), 10, 16 & 17 of Protection of Children From Sexual Offences Act 2012 and Section 75 of the Juvenile Justice Act, 2015.

2. The learned senior counsel appearing for the petitioner submitted that in this case there are five accused. A1 and A5 are husband and wife. A2 is the brother-in-law of the petitioner/A1, while A3 and A4 are the father-in-law and mother-in-law respectively. It is submitted that A3 and A4, through the victim, have lodged a false complaint due to a domestic misunderstanding between the petitioner and his wife. Subsequently, based on the victim's statement, the entire family was implicated and A2 (brother-in-law of the petitioner) was arrested. He further submitted that two victims have been projected in this case. One of the victims has not made any allegations against the petitioner. The second victim alleged that on the day of the incident, there was a party and she went to the kitchen to get water at the petitioner's request, he followed her, hugged her and kissed her. He also submitted that the petitioner is willing to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



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WEB COPY 3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are two victims in this case, aged about 17 and 12 years, respectively. It is alleged that the petitioner hugged and kissed the first victim, who is 17 years old. He further submitted that there was a party on the day of the alleged incident, during which alcohol and food were being served. It is also submitted that the victim girl is the adopted daughter of A3 and A4. Therefore, he strongly opposed the grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Considering the period of incarceration and also considering the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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, each for a like sum to the satisfaction of the **Special**

Court for the Exclusive Trial of Prevention of Child From sexual

Offences, Coimbatore, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Special Court for he Exclusive Trial of Prevention of Child From sexual Offences, Coimbatore.

M.NIRMAL KUMAR, J.

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2. The Superintendent, Central Prison, Coimbatore.



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3. The Inspector of Police,
All Women Police Station (Central),
Gandhipuram,
Coimbatore.

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

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