



Crl.OP.No.9513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.9513 of 2023

Dr.George Abraham

... Petitioner

Vs.

State Rep by
Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai.
Crime No.1 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 1 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.John Sathyan,
Senior Advocate for
Mr. P.Divakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023 for the offence punishable under Section 8 of The Protection of Children from Sexual Offences Act, 2012 in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is aged about 17 years and the petitioner is aged about 51 years. The victim is a student of 1st year, Bachelor of Physical Education and Sports Science at the YMCA college of Physical Education. On 12.11.2022, when the defacto complainant and her friend went to the college gym for lifting weight, the petitioner herein, who is principal of the said college and also working out in the same gym, he touched her hip and told her friend that she is stronger than her and left there. Hence, the present complaint was lodged against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this

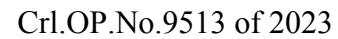


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case. He would also submit that he has worked in a reputed college such as Annamalai University, Chidambaram, Nagercoil Polytechnic college etc. and he had excellent track record and he never had any allegations or complaints against him. He would submit that only in order to tarnish the reputation of the petitioner and to get him fired by the management, the present false complaint lodged against him. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on the date of occurrence, the petitioner, being college Principal, committed sexual assault against the victim girl and the occurrence took place in the college premises. He would submit that one previous case similar in nature pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the statement recorded under Sec.164 of Cr.P.C., it reveals that while the petitioner was taking physical exercise, students came up for selection and while being so, the petitioner had



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 learned **Special Judge for exclusive trial of cases under POCSO Court, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily morning at 10.30 a.m. and evening at 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation (OR) until further orders.

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



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[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 229A IPC.

04.05.2023

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To

- 1.The Special Judge for exclusive trial of cases under POCSO Court, Chennai.
- 2.Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

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