

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

W.P.(MD)No.22051 of 2022

and

WMP(MD)No.16206 of 2022

Gideon Jacob

... Petitioner

Vs.

1.The Union of India,
Ministry of External Affairs,
No.4095, B Wing, Jawaharlal Nehru Bhawan,
23-D, Janpath, New Delhi.

2.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli-620 002.

3.The Union of India,
Rep by its Inspector of Police,
Central Bureau of Investigation (CBI)
Special Crime Branch (SCB),
17, 5th Avenue, Thiruvalluvar Nagar,
Besant Nagar, Chennai.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to give permission to the petitioner to visit Germany for a period of 6 weeks from 25.09.2022 to 10.11.2022 on the basis of the petitioner's representation dated 26.08.2022.

For Petitioner : Mr.K.Samidurai

For R1 & R2 : Mrs.L.Victoria Gowri
Additional Solicitor General of India

For R3 : Mr.N.Mohideen Basha

ORDER

This Writ Petition is filed seeking direction to direct the third respondent to give permission to the petitioner to visit Germany for a period of 6 weeks from 25.09.2022 to 10.11.2022.

2.Facts in brief:-

(i) This is the fourth Writ Petition in line. He has repeated the very same averments that has been made in the earlier petitions. So, we need not reproduce all those things again. Last order that has been passed by this Court in WP(MD)No.7628 of 2022 dated 25.04.2022 is sufficient enough for disposing the main writ petition itself.

(ii) CrI.OP(MD)No.1403 of 2020 was filed by the petitioner seeking quashment of criminal proceedings. It is pending for adjudication. It is seen that more than one occasion, the petitioner was permitted to visit Germany for attending his ailing wife. As per the first order that has been passed by this Court, surety bond was also executed before the concerned Court. So, noting the above said surety bond already existed, this Court permitted the petitioner to move WP(MD)No.11435 of 2021 and that was allowed on 29.07.2021 on the very same condition like that of the earlier petition in WP(MD)No.24591 of

2018. Considering the physical condition of the wife, he was permitted to visit Germany from 03.08.2021 to 03.11.2021. Later, he filed WP(MD)No.7628 of 2022 and that was also allowed on 25.04.2022 and the petitioner was permitted to visit Germany from 01.05.2022 to 31.05.2022.

(iii) Now, the learned counsel for the petitioner would submit that the above said orders have been duly complied by the petitioner and he has returned to India in time. On that ground, again, this petition has been filed on the very same ground that now, the health condition of his wife is also poor. So, he has to attend the wife.

3.Since continuously the petitioner is getting permission from this Court to visit his ailing wife, I am of the considered view that on humanitarian ground the petitioner is permitted to visit Germany **from 28.09.2022 to 07.11.2022** on condition that the petitioner must return to India on or before **07.11.2022** and he must also inform his whereabouts to the respondents as well as the address immediately. The surety bond, which was executed by him in WP(MD)No.24591 of 2018 shall stand extended for this petition, also.

G.ILANGO VAN, J.

dss

4.With the above said direction, this Writ Petition is ordered. No costs. Consequently, the connected miscellaneous petition is closed.

22.09.2022

Internet : Yes / No

Index : Yes / No

Speaking order/Non-Speaking order

dss

Note: Issue order copy on 23.09.2022

To

- 1.The Union of India,
Ministry of External Affairs,
No.4095, B Wing, Jawaharlal Nehru Bhawan,
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