



W.P.(MD)No.9837 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.9837 of 2023

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, praying this Court to issue a Writ of Mandamus, directing the third respondent to give permission to the petitioner to visit Germany for a period from 08.05.2023 to 06.07.2023 on the basis of his representation dated 03.04.2023.



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(Prayer amended as per order of this Court in W.M.P.(MD)No.9617 of 2023, dated 28.04.2023)

For Petitioner : Mr.Issac Mohanlal, Senior counsel,
for Mr.K.Samidurai.
For Respondents : Mr.K.Govindarajan,
DSGI, R1 and R2.

: Mr.N.Mohideen Babu,
Special Public Prosecutor, for CBI.

ORDER

This Writ Petition has been filed seeking for a direction to the third respondent to give permission to the petitioner to visit Germany for a period from 08.05.2023 to 06.06.2023 on the basis of his representation dated 03.04.2023.

2. The petitioner's case is that the petitioner is an Indian citizen having permanent residence in Germany. He is also working as -Senior Pastor of Good Shepherd Evangelical Mission Private Limited, his wife and son are also in Germany and they are also having Germany citizenship. In 1990's there had been reports for female infanticide in and around Usilampatti, Madurai District. Therefore, the petitioner started a



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home for female babies and the same was shifted to Tiruchirappalli from Madurai District. A case in Crime No.548 of 2015 was registered against petitioner under the provisions of Section 20(2) of Tamil Nadu Hostel & Home for Women and Children Regulation Act, 2014 and Section 23 of the Juvenile Justice Act, 2000. He was also arrested and released on bail after a period of 90 days and certain conditions were also imposed upon the petitioner. Thereafter, the conditions were completely relaxed in CrI.M.P.No.247 of 2018, dated 24.05.2018 by the District Judge, Trichy. In the meantime, the petitioner's wife underwent six surgeries on her spinalcord, foot and left hand in the year 2016-2017. He intended to visit Germany, on 13/06/2018. But he was told that his passport has been impounded. In the meantime, final report was also filed before the concerned court in SC No.125 of 2015 and another case in FIR No.RC1(S) 2016 CBI, SCB, Chennai. In the meantime, the CBI has filed revision against the order that was passed by the District Judge, Trichy, in Cr.M.P No.247 of 2018 and interim stay was also granted. He approached the second respondent for permitting him to visit abroad, but the same was also not considered. Therefore, he filed a writ petition in WP(MD)No.24591 of 2018 and the same was allowed on 07.01.2020



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with certain conditions; that was also complied and he has also produced the sureties.

3. The learned Senior counsel would also submit that thrice the petitioner has got permission to visit Germany and properly returned to India. Hence, the petitioner will not make any attempt to abscond. He would further submit that the wife and children are German citizens. The petitioner's wife had undergone six surgeries and hence, he has to meet his wife, who is now under treatment; that the petitioner is aged about 68 years and it is necessary for him to settle the certain family issues. Therefore, the petitioner may be permitted to go abroad and return to India.

4. The learned counsel appearing for CBI would submit that in the quash petition in CrI.O.P.(MD)No.1403 of 2020, arguments were already heard and the case was reserved for orders on 04.01.2023 and that therefore, they are objecting to grant permission sought for by the petitioner.



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5. Mr.K.Govindarajan, learned Additional Solicitor General of India has also raised objections to grant permission to the petitioner to visit Germany.

6. Heard Mr.Issac Mohanlal, learned Senior Counsel for Mr.K.Samidurai, appearing for the petitioner; Mr.K.Govindarajan, learned Additional Solicitor General of India appearing for the respondents 1 and 2 and Mr.N.Mohideen Babu, learned Special Public Prosecutor, appearing for CBI.

7. As rightly contended by the learned Senior Counsel for the petitioner, it is pertinent to note that the petitioner has complied with the earlier orders of this Court properly. As already pointed out, he had already taken permission four times to visit his ailing wife.

8. Considering the above facts and circumstances of the case and also taking note of the earlier permission granted by this Court, this Court is inclined to grant permission to the petitioner to visit Germany from 08.05.2023 to 06.07.2023, on condition that the petitioner has to



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return to India on or before 06.07.2023 and he must inform his whereabouts to the respondents as well as the address immediately. The surety bond, which was executed by him in W.P.(MD)No.24591 of 2018, shall stand extended for this petition also.

9. With the above directions, the Writ Petition is ordered. No costs.

28.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

das

Note : Issue order copy on 04.05.2023.

To

- 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.
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K.MURALI SHANKAR,J.

das

Order made in
W.P.(MD)No.9837 of 2023

Dated: 28.04.2023