

TIRUCHIRAPPALLI SESSIONS DIVISION
IN THE COURT OF VACATION SESSIONS, TIRUCHIRAPPALLI
Present : Tmt.Jacintha Martin, B.L. Sessions Judge, Mahila Court,
Vacation Sessions Judge, [Judge, Family Court(FAC)], Tiruchirappalli.
Thursday, the 24th day of May 2018
Cr.M.P.No.247/2018

Gideon Jacob

... Petitioner

Vs.

Inspector of Police,
CBI SCB Chennai . FIR.No. RC.1(S)/2016

....Respondent

Petition dated 14.05.2018 filed U/s.439(ii) Cr.P.C. Petitioner prays to modify the condition in Cr.M.P.No.608/2018, dated.04.05.2018 of the learned Chief Judicial Magistrate, Tiruchirappalli, for the offence U/s.120 B r/w 361, 368, 201, 370 (A) IPC sec.34 r/w 33 and 81 of the Juvenile Justice Act & Sec.20 r/w 6 of TN Hostels and Homes for women and Children (Regulation) Act 2014.

This petition coming on this day for hearing before me in the Presence of Thiru. K.Samidurai, Advocate for the petitioner and the Special Public Prosecutor for the respondent and this court made the following.

ORDER

Heard both sides.

The present condition is to report before the respondent office daily at 10.00A.M. and prays to relax the condition.

The learned Counsel for the petitioner contended that the petitioner is innocent and he has not involved in any of the charges placed against him by prosecution. Moreover, the learned Counsel for the petitioner has also stated that the matter is pending before the Honourable Supreme Court of India in SLP (Civil) No.1711/2018 and posted after vacation. In the mean time the Honourable Supreme Court of India appointed Justice Mr.K.N.Basha to interview the inmate girls and submit a report. The Honourable Justice K.N.Basha to interview the in-mate girls and submitted the report and it is also pending before the Honourable Supreme Court of India.

The learned Counsel for the petitioner further contended that the condition imposed to the petitioner was modified by the learned Chief Judicial Magistrate, Tiruchy in Cr.M.P No. 608/2018 to appear before the respondent police daily once and should stay at Chennai until further orders. Further the learned Counsel for the petitioner contended that since the health ailment of the petitioner, he prays to relax the condition imposed on him.

On the other hand the learned Special Public Prosecutor for the respondent police CBI, Chennai has strongly objected and filed detailed counter stating that the petitioner/accused was running a Evangelical Mission Private Limited in the name of Mose Ministries at Anna Nagar, Subramaniapuram, Trichy and had procured 125 Girl children from area in an around Usilampatti in Madurai District in the guise of preventing them from female infanticide. Out of the 125 girls so procured at various stages, only 89 are available now and the whereabouts of other 35 girls are not accounted properly. The respondent has also objected that the accused person have not availed the License mandated by statute, to run the orphanage. It is also alleged that the above said orphanage has procured the children through a nurse working in the Government Hospital, Usilampatti. It is also stated that the petitioner/accused initially was absconding himself in Germany and has not made himself available for investigation from February 2016 till the last week of October 2017. It is also stated that the petitioner/accused and his associates are influencing the inmates of Mose Ministries and causing delay in

progress of investigation by making the crucial witnesses to file various petitions before the Honourable High Court and Supreme Court of India. So, the Counsel for the respondent police strongly objected either to modify or to relax completely the condition imposed on the petitioner/accused.

On perusal of petition as well as Counter this court understood that the petitioner/accused was granted bail with condition that the petitioner/accused should stay at Chennai and should appear before the respondent Office daily. As per the admission made it is noted that the petitioner/accused is appeared before the respondent police daily for more than 104 days. The investigation was transferred to respondent Office and for the past more than four months the respondent Office is conducting the investigation. It is stated by the respondent from the counter that important documents were seized and important evidence was acquired against the petitioner/accused. The in-mates in the Mose Ministries has given statement before the Judicial Officers as well as the Hon'ble Justice K.N.Basha as per the order of the Honourable Madurai Bench of Madras High Court and Hon'ble Supreme Court of India. In this situation the in-mates cannot be influenced either by the petitioner/accused or by his associates to prevent the investigation proceeded by the respondent police.

On perusal of court records this court understood that the in-mates of the Most Ministries has filed the Writ petition in Honourable High Court claiming their right to set their at free and for some other prayer regarding their settlement of life. No petition was filed by the in-mates against the petitioner/accused as stated by the petitioner Counsel. So, directing the petitioner/accused to stay at Chennai alone will not help the respondent police to facilitate the investigation. The petitioner is obeying the condition before the respondent police without any interruption continuously for more than 104 days. Hence, this court is convinced by the representation made by the petitioner's Counsel and also circumstances of the case to relax the condition imposed on the petitioner/accused and the condition is totally relaxed.

The petitioner shall appear before the respondent Office for interrogation as and when required.

Pronounced by me in open Court this the 24th day of May 2018.

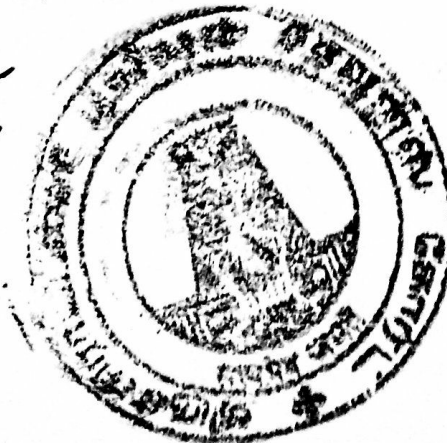
Sd/. Jacintha Martin,,

Vacation Sessions Judge,
Tiruchirappalli

Copy to:

- ✓ 1. The Petitioner through petitioner counsel.
2. The Chief Judicial Magistrate, Tiruchirappalli.
3. The Inspector of Police, CBI SCB Chennai.

D. no: 496A
24.5.18



/True Copy/By Order/

[Signature]
Vacation Officer.
24/5