

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Thursday, the Twentieth day of August Two Thousand Twenty

PRESENT

**The Hon`ble Mr.Justice D.KRISHNAKUMAR**

WP(MD) Nos.7126 and 7700 of 2020  
and  
WMP(MD)No.6566 of 2020

GIDEON JACOB

... PETITIONER  
IN BOTH PETITIONS

Vs

1.THE REGIONAL PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE,  
TIRUCHIRAPALLI-620 002.

2.THE STATE OF TAMILNADU,  
REP BY ITS INSPECTOR OF POLICE,  
CENTRAL BUREAU OF INVESTIGATION(CBI),  
SPECIAL CRIME BRANCH(SCB)  
CHENNAI.

... RESPONDENTS  
IN BOTH PETITIONS

**PRAYER IN WP(MD)No.7126 of 2020:**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of mandamus directing the respondents to permit the petitioner to visit Germany for a period of 2 months from 3.8.2020 to 3.10.2020 and pass any order or writ or direction in the nature of writ an pass any other order as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case.

**PRAYER IN WP(MD)No.7700 of 2020:**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent, the Regional Passport Officer, Tiruchirapalli vide Letter Ref.No.SCN/310016849/20 Dated 03.07.2020 Quash the same.

**PRAYER IN WMP(MD)No.6566 of 2020 IN WP(MD)No.7126 of 2020::**

To grant ad interim direction directing the respondents to permit the petitioner to visit Germany for a period of 2 months from 3.8.2020 to 3.10.2020 pending disposal of writ petition and thus render justice.

**ORDER :** These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.ISACC MOHANLAL, Senior Counsel for Mr.K.SAMIDURAI, Advocate for the petitioner in both petitions and of Mr.V.KATHIRVELU, Assistant Solicitor General of India for R1 in both petitions, and Mr.C.RAMESH, Special Government Pleader for R2 in both petitions, the court made the following order:-

Heard Mr.Isacc Mohanlal, learned Senior Counsel appearing for the petitioner, Mr.V.Kathirvelu, learned Assistant Solicitor General of India, appearing for the first respondent and Mr.C.Ramesh, learned Special Government Pleader appearing for the second respondent.

2. The learned Senior Counsel appearing for the petitioner submitted that on an earlier occasion, by order dated 07.01.2020, this Court granted interim direction as follows:

6.The learned Counsel for the fourth respondent submitted that the final report has been filed before the Chief Judicial Magistrate Court, Trichy and that the same was taken on file. However, the case number is not given. It is in the said circumstances, the learned Counsel for the fourth respondent submitted that CBI is interested only in securing the petitioner's presence in connection with the proceedings, that is pending before the Court. The learned Counsel for the fourth respondent also submitted that the fourth respondent may give permission to the petitioner to go abroad, subject to satisfying the fourth respondent by producing immovable property as security and on surety by a blood relative of petitioner.

7.Though several legal issues have been raised in this matter in relation to the validity of the impugned order and the authority of respondents to prevent the petitioner from travelling abroad without even initiating a proceeding under Section 10(3) of Passport Act, without going into those contentious issues, this Court is of the view that the petitioner may be permitted to travel abroad subject to certain reasonable conditions, that is imposed by the fourth respondent and expressed before this Court. The learned Senior Counsel for the petitioner states that the petitioner is prepared to offer immovable property worth about Rs.2,00,00,000/- to the satisfaction of the fourth respondent as security and a surety from his blood relative. In such circumstances, this Court is inclined to pass the following order:

"The petitioner is directed to appear before  
Inspector of Police, namely, Mrs.Vaishnavi, CBI  
(Special Crime Branch), Chennai, within two days.

<http://www.judis.nic.in> On production of document / bond, offering

immovable property for a value not less than two crores as security and one surety from any blood relative of the petitioner, the third and fourth respondents shall permit the petitioner to visit his wife in Germany and the fourth respondent shall give necessary orders giving No Objection for the petitioner's foreign trip and the third respondent shall hand over the passport to the petitioner, so as to enable the petitioner to go abroad. The petitioner shall give an undertaking that his stay in abroad will not exceed beyond three weeks."

He further submitted that the petitioner has filed the present petition in W.M.P(MD).No.6566 of 2020 to permit the petitioner to visit Germany for a period of two months from 03.08.2020 to 03.10.2020, pending the disposal of the writ petition. He further submitted that even though the petitioner sought for interim direction to the respondent to permit the petitioner to visit Germany for a period of two months before this Court, now he seeks permission before this Court that he may approach the second respondent to produce all the relevant documents for granting permission to visit Germany for the aforesaid period.

3.The learned Assistant Solicitor General of India appearing for the first respondent submitted that a criminal original petition in Crl.O.P(MD).No.1403 of 2020 is pending before this Court. He further submitted that if any application is filed by the petitioner before the second respondent, the said application will be considered in accordance with the procedure as contemplated under law.

4.In view of the submissions made on both sides, this Court is inclined to direct the petitioner to make an application before the second respondent within a period of two days from the date of receipt of a copy of this order. On receipt of such application, the second respondent shall consider the same, by taking note of the conduct of the petitioner and pass orders on merits and in accordance with law, as per the earlier order passed by the authority. The second respondent shall report the same before this Court on or before 27.08.2020.

5.List the miscellaneous Petition on 28.08.2020 for reporting compliance.

sd/-  
20/08/2020

/ TRUE COPY /

/08/2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

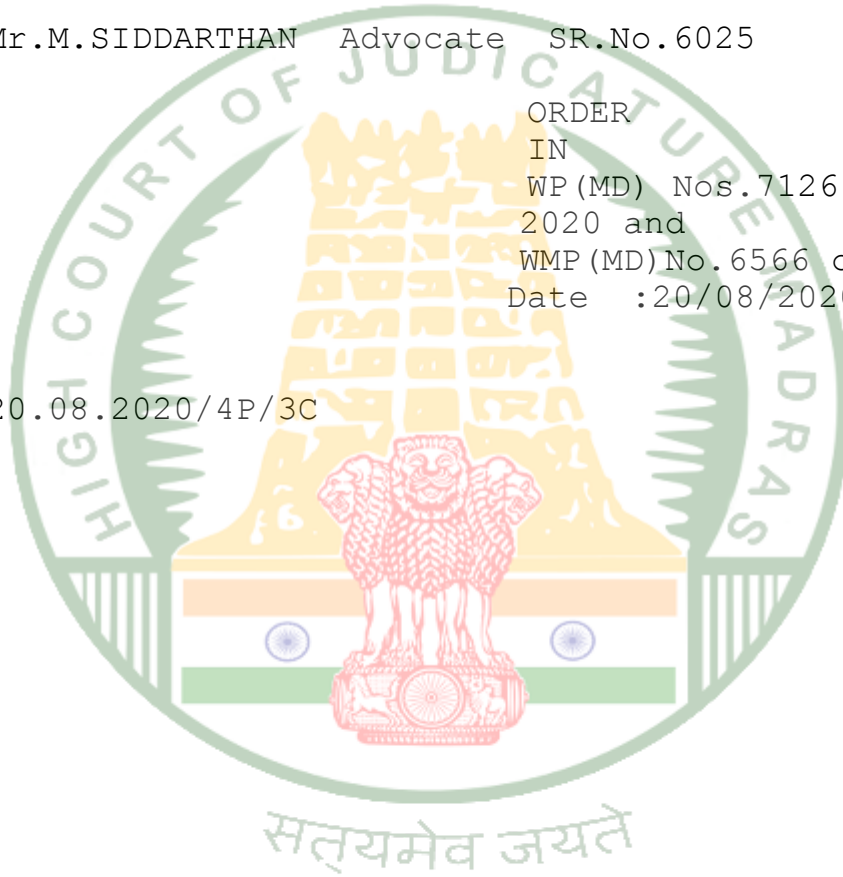
TO

THE INSPECTOR OF POLICE,  
STATE OF TAMILNADU,  
CENTRAL BUREAU OF INVESTIGATION (CBI),  
SPECIAL CRIME BRANCH (SCB), CHENNAI.

+1. C.C. to Mr.M.SIDDARTHAN Advocate SR.No.6025

ORDER  
IN  
WP (MD) Nos.7126 and 7700 of  
2020 and  
WMP (MD) No.6566 of 2020  
Date :20/08/2020

NS  
TK/JC/SAR.2/20.08.2020/4P/3C



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