



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



Thursday, the Second day of December

Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr. Justice G. ILANGO VAN

WMP (MD) .No.17025 of 2021

IN

WP. (MD) .No.11435 of 2021

Gideon Jacob

...Petitioner

Vs

1. The Union of India,
Ministry of External Affairs,
No.4095, Bwing, Jawaharlal Nehru Bhawan,
23-D, Janpath, New Delhi.
2. The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli-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 WMP (MD) .No.17025 of 2021 :-

Petition filed Under Article 226 of the Constitution of India to extend the time granted in W.P.(MD).No.11435 of 2021 order dated 29/07/2021 for a period of 30 days from 30/11/2021 and permit the petitioner to visit Germany and proper in the circumstances of the case.

Prayer in W.P. (MD) .No.11435 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 3rd respondents to give permission to the petitioner to visit Germany for a period of 3 months from 03/08/2021 to 03/11/2021 on the basis of my representation dated 09/06/2021.

ORDER:- This Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Isaac Mohanlal, Senior Counsel,
<https://www.mhc.tn.gov.in/judis>



for Mr.K.Samidurai, Advocate for the Petitioner of Mrs.L.Victoria Gowri, ASGI, for the Respondents and this Court make the following order;



This petition is filed seeking extension of one month time from 30.11.2021 and permit the petitioner to visit Germany.

2. The facts in brief are as follows.

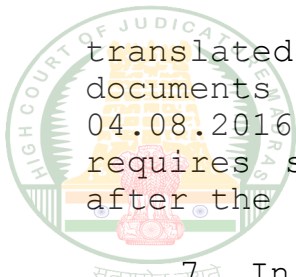
This petitioner is facing charge under Section 20(2) of Tamil Nadu Hostel and Homes for Women and Children Regulation Act, 2014 and Section 23 of Juvenile Justice Act, 2000. Subsequently, another case was registered against this petitioner in the year 2015 for the offences punishable under Section 120B r/w 361, 368, 201, 370 and 370A of IPC. Pending the above said criminal prosecution, the petitioner filed WP(MD)No.11435 of 2021 seeking permission to visit Germany for a period of three 3 months from 30.08.2021 to 03.11.2021. That petition came to be allowed by this Court by the order dated 29.07.2021. Due to the practical difficulties, the petitioner could undertake the travel only on 15.08.2021 from Bangalore. The wife of the petitioner underwent 6 surgeries and only on that ground, the aforesaid permission was granted by this Court. A modification petition was filed before this Court seeking permission to stay up to 15.11.2021 along with his wife. Even though that petition has been numbered, it was not listed and so, the petitioner returned to India before 03.11.2021. Hence, seeking extension of time, this petition is filed.

3. Heard both sides.

4. The learned counsel for the respondents would submit that if the petitioner is permitted to visit abroad, he may not return to India to face trial.

5. The learned Senior Counsel appearing for the petitioner would submit that twice the petitioner has got permission to visit Germany and properly returned to India. Hence, the petitioner will not make any attempt to abscond. This undertaking on the side of the petitioner is placed on record.

6. Even though the reason for seeking extension of time is not specifically mentioned in the petition, during the course of arguments, the learned Senior Counsel for the petitioner would submit that because of the health condition of his wife who has underwent 6 surgeries, his assistance is required for some more time. When the matter was heard on the first occasion, I directed the petitioner to produce the documents to show the present health condition of his wife, so that the request made by the petitioner can be considered on humanitarian ground. No doubt, the wife of the petitioner having underwent 6 surgeries requires proper support, care and help of this petitioner and it is also the duty of the petitioner to extend such a help and support to his wife. On that ground, the learned Senior Counsel appearing for the petitioner has also produced the Diagnostic Report along with the copy of the Medical Certificate in German language. Both the documents contain



translated version in English Language. Perusal of the documents shows that the wife of the petitioner underwent surgery on 04.08.2016 over spinal cord problem. It has been mentioned that she requires support of spouse. The Medical Certificate shows that after the surgery she was undergoing treatment as outpatient.

7. In such circumstances, as mentioned above, on humanitarian ground alone, I am of the considered view that the extension of time sought for by the petitioner can be granted.

8. The learned Senior Counsel for the petitioner would submit that the petitioner can undertake travel from 08.12.2021. Hence, the petitioner has to return to India on or before 08.01.2022. Since already elaborate order has been passed by this Court in the main writ petition, no more discussion or consideration is required. Based upon the earlier order, security in the form of immovable property worth Rs.2 Crores apart from a blood relative as surety have been executed. The same security shall continue to apply for this extended period also.

9. With the above said direction, this petition is allowed and the petitioner is permitted to leave India on or after 08.12.2021 and must return to India on or before 08.01.2022 and co-operate to complete the Trial process. He must also abide the conditions imposed in the main writ petition.

Sd/-

Assistant Registrar (CRL)

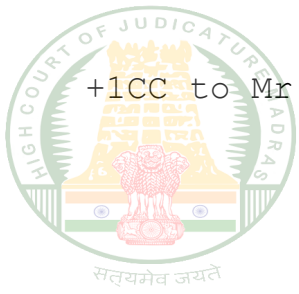
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/ /2021

Sub Assistant Registrar(CS)

To

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+1CC to Mr.K.Samidurai, Advocate (SR.No.37152)



ORDER DATED : 02/12/2021

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ORDER
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WMP (MD) .No.17025 of 2021

IN

WP. (MD) .No.11435 of 2021

Giving direction and etc.
as stated within.

MGJ(03.12.2021) 4P 5C