

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL RC(MD) No.312 of 2018

STATE REP BY
THE INSPECTOR OF POLICE,
CBI, SCB, CHENNAI.

... REVISION PETITIONER/ COMPLAINANT

Vs

GIDEON JACOB

... RESPONDENT/ ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to call for the records in Crl.M.P.247/2018 dated 24.05.2018 on the file of Hon'ble District and Sessions judge, Trichy.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.SIVAKUMAR, Special Public Prosecutor for CBI Cases for the petitioner and of Mr.M.SIDDHARTHAN, Advocate for the respondent, the court made the following order:-

Heard the learned counsel for the revision petitioner and the learned counsel for the respondent/accused.

2. The revision petition is directed against a Priest, who is in charge of an Orphanage, where young girls were lodged, is now facing trial for offences under Section 120-B r/w 361, 368 and 201 IPC, Section 34 r/w 33 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 20 r/w 6 of Tamil Nadu Hostels and Homes for Women and Children (Regulations) Act 2014.

3. The respondent herein, was arrested for the above offence and was in jail for nearly 92 days. He was granted statutory bail and during the course of investigation two more sections of IPC viz., 370 and 370A were also slapped against this respondent. The bail granted to the respondent herein was periodically modified and the conditions imposed on him were gradually relaxed, except two conditions which includes restricting the entry of the respondent to Trichy District and interacting with the inmates of M/s.Mose Ministries at Trichy.

<http://www.judis.nic.in> While so, the respondent herein has filed the petition for relaxing the bail conditions in to to before the Sessions Court,

Trichy. On perusing the petition and counter filed by CBI, the Court below has relaxed the conditions imposed on the respondent/accused in to to. While passing the said order, the Court below has considered the compliance of the other conditions imposed on the respondent and the delay in completing the investigation.

5. Mr.S.Sivakumar, learned Special Public Prosecutor for CBI Cases appearing for the revision petitioner would submit that due to periodical interference by the respondent by filing petitions before this Court as well as the Hon'ble Supreme Court, the investigation of the case is unable to be completed. Further, he contended that after passing of the impugned order on 24.05.2018, relaxing the bail conditions in to to, the respondent has attempted to flee from India but he was detained by the Immigration Authorities at the Airport. Therefore, the respondent has committed breach. Having come to know about his attempt to flee away from this country and escape from law, this revision petition was filed to set aside the impugned order passed by the learned Sessions Judge at Trichy in Criminal Appeal 247/2018 dated 24.05.2018.

6. Learned counsel appearing for the respondent would admit that the respondent wanted to visit Germany since there was no condition imposed restricting his movement of going abroad and hence. he arranged for his travel. But however, due to intervention by the Immigration Authorities, his passport was now being impounded and there is no scope for him for fleeing away from the country.

7. Considering the gravity of the offences alleged against the respondent and taking note of the fact that the inmates who are now at Subramaniapuram, Trichy sought to be shifted to some other place and it is now the subject matter of S.L.P., pending before the Supreme Court filed by the inmates. This Court is of the opinion that relaxation of the bail condition in to to has led to the attempt of the respondent going abroad. If no condition is imposed on the respondent, there is every possibility of him tampering the witnesses, more particularly the inmates of the Orphanage who are the key witness of the prosecution. In the said circumstances, there must be some restrictions and conditions upon the respondent which will ensure free and fair trial.

8. Therefore, the order passed by the trial Court which is impugned in the revision petition is set aside and the following conditions are laid upon the respondent.

(i) The normal place of stay of the respondent shall be at Chennai. Whenever the respondent wants to leave Chennai, he can intimate the Investigation Officer and leave Chennai. This liberty cannot be misused by the respondent to tamper or influence the witnesses;

(ii) The respondent shall not enter Trichy District for any reason;

(iii) The respondent shall report before the Investigating Officer as and when required;

(iv) On breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the respondent released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

sd/-
29/10/2018

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

TO

1. THE DISTRICT AND SESSIONS JUDGE,
TRICHY.
 2. THE INSPECTOR OF POLICE,
CBI, SCB, CHENNAI.
 3. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.SAMIDURAI, Advocate, Sr No.92880

ORDER
IN

CRL RC (MD) No.312 of 2018
Date :29/10/2018

MS/PN/SAR-3/30.10.2018/3P.5C

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