



1

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present: **Thiru.S.Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,**

Principal Sessions Judge.

Tuesday, the 24th day of February, 2026.

Crl.M.P.No.38 / 2026

in

C.C.No.9 / 2023

R.V.Ashok Kumar

.. Petitioner / Accused No.2

Vs.

The Deputy Director,
Directorate of Enforcement,
Ministry of Finance,
Chennai Zonal Office-I,
No.2, 5th & 6th Floor,
BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai-600034.

..Respondent / Complainant

This petition is coming on this day before me for hearing in the presence of M/s.S.Senthil, D.Vairamoorthy and Abinesh Babu, the Counsel for the petitioner and of Mr.Rajnish Pathiyil, the Special Public Prosecutor for the respondent and upon hearing both sides and upon perusing the records, this court delivered the following:

ORDER

The petitioner/A2 has come up with the present application seeking for permission to travel abroad.

2. The petitioner, in his petition, submitted as below :

The Petitioner/Accused No.2 had filed an Intimation Memo dated 17.02.2026 before this Hon'ble Court intimating his proposed travel from Chennai to Dubai from 25.02.2026 to 02.03.2026, departing from Chennai International Airport on 25.02.2026

by Emirates Airlines Flight No.EK-547 and returning to Chennai on 02.03.2026 by Emirates Airlines Flight No. EK-544. The travel itinerary was also filed along with the said Memo before this court. This court, by adjudication order dated 17.02.2026, after perusing the contents of the Intimation Memo filed by the Petitioner Accused No.2 and was pleased to record the said intimation of the proposed travel abroad. In the true spirit of the order dated 17.02.2026 and in compliance with the earlier conditions imposed by the Hon'ble High Court of Madras in Crl.O.P. No.20077 of 2025, the Petitioner, on 18.02.2026, sent a written intimation to the FRRO, the Investigation Officer, and the Immigration Officer informing them of his proposed travel, enclosing copies of the Intimation Memo dated 17.02.2026, the adjudication order dated 17.02.2026 passed by this court, the orders passed by the Hon'ble High Court of Madras in Crl.O.P. No.20077 of 2025, along with the travel itinerary. The said communications were duly received by the concerned authorities and that the Petitioner has also sent email communications in this regard intimating his travel scheduled i.e., on 25.02.2026, however, as an abundant caution, the Petitioner visited the office of the FRRO to intimate the same, and the officials informed him that there is no permission granted by this Court and that only an intimation has been recorded. In these circumstances, and to avoid any ambiguity or hardship at the time of travel, the Petitioner is filing the present Petition along with an Advance Hearing Petition, and the present Petition may kindly be treated as part and parcel of the earlier Intimation Memo dated 17.02.2026. Though the matter is posted for

hearing on 11.03.2026, since the Petitioner is travelling today, the present Petition is being filed along with the Advance Hearing Petition seeking urgent consideration. Therefore, it is most humbly prayed that this court may be pleased to clarify and grant permission to the petitioner to travel abroad as already intimated vide intimation memo dated 17.02.2026, and memo dated 20.02.2026 and affidavit of undertaking dated 20.02.2026.

3. Apart from that, the petitioner has filed and undertaking affidavit, in which, he has submitted as below :

The Hon'ble High Court of Madras, by its order dated 08.08.2025, 28.08.2025 and 02.09.2025 in CrI.O.P.No.20077 of 2025, was pleased to grant me permission to travel abroad subject to certain conditions. All conditions imposed by the Hon'ble High Court were fully complied with prior to and during the said travel. The petitioner returned to Chennai after completing his treatment in the U.S.A. and appeared before this Court on 04.11.2025 in compliance with the directions of the Hon'ble High Court. The petitioner has strictly adhered to and complied with all the conditions imposed upon him. Now the petitioner is in need to travel to Dubai to explore higher education admission of his daughter in college. He is travelling to Dubai from Chennai International Airport on 20.02.2026, arriving at Dubai International Airport on 21.02.2026 by Flight No. EK-547 of Emirates Airlines, and will return from Dubai on 02.03.2026 by Flight No. EK-544, arriving at Chennai International Airport on the same day, i.e., 02.03.2026. In the case of

Pathan Apser Hussen vs. Bureau of Immigration, reported in 2024 SCC OnLine Mad 8302, the Hon'ble High Court of Madras has held that the right to travel abroad is a facet of Article 21 of the Constitution of India and that, once the conditions are complied with for the first time, for future travel abroad, the petitioners are required only to intimate the trial Court and the investigating agency and comply with the conditions already imposed. In accordance with the same, the petitioner had intimated the travel to this Court by way of Memo on 17.02.2026 and the same was recorded by this Court in the adjudication. The sureties, Fixed Deposit Receipts, vehicle Registration Certificates, and other securities already furnished before this Hon'ble Court pursuant to the earlier order of the Hon'ble High Court remain in custody and continue to be in force. It is further submitted that all sureties imposed are still in force, and the conditions imposed on the petitioner are binding and have not been withdrawn. The petitioner undertakes to return within the stipulated period on 02.03.2026 and to appear before this Court on the next hearing date without fail. In compliance with Condition No. (i) of the said orders, the petitioner hereby undertakes that he shall strictly adhere to the travel itinerary for exploring the higher education admission of his daughter in Dubai, and that he shall return to India on 02.03.2026, as per the said itinerary. In compliance with Condition No.(vi) of the said order, the petitioner hereby give his solemn undertaking before this Court that he shall not, under any circumstances, seek asylum, refugee protection, or any similar relief in Dubai or in any other foreign country, nor shall he applies for or obtain

any extension of stay abroad on any grounds whatsoever. This undertaking affidavit is being filed in compliance with the Condition No.1 & VI of the above said orders of the Hon'ble High Court of Madras. The petitioner, therefore, humbly prays that this Court may be pleased to accept this undertaking affidavit filed in compliance with the Condition No.1 & VI of the orders dated 08.08.2025, 28.08.2025, and 02.09.2025 passed by the Hon'ble High Court of Madras in Crl.O.P. No. 20077 of 2025 and thus render justice.

4. Notice was issued to the Special Public Prosecutor for Enforcement Directorate. The Special Public Prosecutor, in his counter, contended as below :

The sequence of events leading to the present petition clearly demonstrates lack of bona fides on the part of the Accused. On 07.02.2026, the Accused filed a memo merely intimating his alleged travel plan without filing any petition seeking permission from this Court and without following the due process of law. The said Memo was not supported by any affidavit seeking judicial permission and was therefore procedurally untenable. Subsequently, on 20.02.2026, another Memo was filed by the Accused, which was served upon the Respondent only in the morning hours of the same day, leaving no reasonable time for the Respondent to verify facts or obtain instructions. Even the petition filed seeking advancement of hearing was filed invoking an incorrect provision of law, which itself reflects the casual and lackadaisical manner in which the Accused approached this Court and attempted to create artificial urgency. Upon objections raised

by the Respondent, this Court was pleased to direct the Accused to file a proper petition and only thereafter the present petition in CrI.M.P. No. 38 of 2026 has been filed. Even the present petition suffers from fundamental defects and is not maintainable in law. The petition does not invoke any provision of law under which the relief is sought. A criminal court exercises jurisdiction strictly in accordance with statutory provisions and a petition seeking substantive relief such as permission to travel abroad during pendency of trial and consequential impact on a Look Out Circular cannot be filed in vacuum without invoking any enabling provision. On this ground alone, the petition is liable to be rejected. The Criminal Rules of Practice, 2019 clearly mandate the manner in which petitions are to be presented before criminal courts including the requirement of proper provision of law, supporting affidavit and verification. The present petition is not supported by a proper affidavit as contemplated under law. The so-called itinerary affidavit merely states travel dates and stay particulars but does not disclose material facts, reasons or legal basis for seeking permission. It does not satisfy the requirement of pleading sufficient cause supported by sworn averments. The absence of a proper affidavit itself renders the petition defective and not maintainable. This Court had earlier dismissed CrI.M.P.No 3 of 2025 on the ground that no valid reason or sufficient cause was shown for foreign travel and that the Accused had merely produced a visa without supporting material. The present petition is nothing but a repetition of the same conduct. Even now, no genuine reason has been disclosed except a vague statement that the

Accused intends to travel for the educational purpose of his daughter. The Accused has orally stated before this Court that he had obtained appointments from certain educational institutions and that the visit is time-bound. However, no appointment letters, no email communications, no acknowledgments from any institution and no proof whatsoever have been produced. Not even an iota of any document has been filed to substantiate the alleged purpose. The absence of supporting material raises serious doubt regarding the genuineness of the proposed travel. This Court was such circumstances grant permission on mere conjectures or oral submission. Initially the Accused claimed urgency stating that the appointment was fixed on 23.02.2026 and could not be rescheduled. However, upon this Court directing him to file a proper petition, the Accused has rescheduled the travel dates. This conduct clearly demonstrates that the alleged urgency was artificial and self-created to avoid meaningful scrutiny by the Respondent and the Court. Such contradictory stands undermine the credibility of the Accused's claim and indicate lack of bona fides. After dismissal of CrI.M.P.No.3 of 2025, the Accused approached the Hon'ble High Court of Madras and vide order dated 08.08.2025 in CrI.O.P. No.20077 of 2025, had obtained conditional permission for travel. The liberty granted by the Hon'ble High Court was not an open-ended permission but only a one-time conditional permission granted after the Accused produced complete travel plans, booking details, undertakings, securities and materials substantiating a medical condition. One of the principal reasons for granting liberty was that the

treatment sought was not available locally and the urgency was medically verified. The Hon'ble High Court had even directed the complainant to verify the genuineness of the medical claim before granting the permission. The reliance placed by the Accused on the decision in Pathan Apser Hussen -vs- Bureau of Immigration is misplaced and inapplicable to the facts of the present case. The said decision does not lay down any universal proposition that once conditions are complied with for one instance of travel, an Accused acquires a perpetual or continuing right to travel abroad merely by intimation. On the contrary, the settled legal position is that each request for foreign travel must necessarily be examined independently by the Court having regard to the stage of trial, seriousness of allegations, necessity of travel and the safeguards required to secure the presence of the Accused. In the present case, the trial is underway and the Accused is required to be available for proceedings, and therefore, judicial scrutiny through a properly instituted petition supported by sufficient and credible materials is indispensable. Even the order of the Hon'ble High Court in CrI.O.P. No. 20077 of 2025 clearly contemplates that any subsequent travel requires fresh permission after giving fair opportunity to the prosecution and after passing a reasoned judicial order upon consideration of objections. The said order also mandates strict compliance with the earlier conditions imposed upon the Accused. However, in the present case, the Accused has failed to comply with Conditions 1, 5 and 6 imposed by the Hon'ble High Court, and there is absolutely no material placed before this Court to demonstrate full compliance

with the earlier safeguards. Unlike the earlier occasion, where the Accused had placed substantial materials to substantiate his medical necessity and the Hon'ble High Court had even directed the Complainant/ Respondent to verify the genuineness of the claim before granting permission, the present petition does not disclose any compelling or genuine reason. The alleged educational purpose is neither substantiated nor verified and the genuineness of the claim itself remains doubtful. In the absence of supporting materials, this Court is deprived of the opportunity to apply its judicial mind, and therefore, the relief sought is unsupported by pleadings or proof. In such circumstances, permitting the Accused to travel abroad would amount to converting a limited, conditional and one-time liberty granted by the Hon'ble High Court into an open-ended permission, which is impermissible in law and contrary to the very safeguards imposed to secure the administration of justice. Suspension or keeping in abeyance of a Look Out Circular is not automatic and requires a speaking judicial order after hearing the prosecution and evaluating materials. Implementation of such an order involves communication to immigration authorities and coordination at multiple administrative levels involving hierarchical approvals. The repeated last-minute filings by the Accused appear designed to secure orders without meaningful scrutiny and without affording adequate opportunity to the Respondent. The present request also raises serious concerns regarding flight risk. The trial in C.C.No.9 of 2023 is underway and the presence of the Accused is necessary for effective conduct of proceedings. The repeated attempts made

by the Accused to travel abroad without substantiated reasons, coupled with his earlier conduct, create a reasonable apprehension that he may not return within the stipulated period or may delay the proceedings. The subsistence of a Look Out Circular itself reflects the seriousness of such apprehension and permitting travel in the absence of compelling and verified reasons would seriously prejudice the prosecution and undermine the administration of justice. The conduct of the Accused throughout the proceedings demonstrates a pattern of attempting to evade or delay the criminal process. The Accused had earlier evaded summons issued by the prosecution agency and his repeated attempts to travel abroad without furnishing proper justification raise serious apprehension regarding his availability for trial. The presence of the Accused is essential for effective conduct of proceedings and granting permission in such circumstances would seriously prejudice the prosecution and adversely affect the administration of justice. The Accused has already challenged the Look Out Circular before the Hon'ble High Court in W.P.(Crl.) No.1417 of 2025 and the same is pending consideration. In such circumstances, the Accused cannot seek to indirectly nullify the effect of the LOC before this Court by seeking permission to travel abroad without proper adjudication. Any such relief would amount to parallel adjudication and is therefore impermissible. The cumulative conduct of the Accused filing memo without petition, filing advance petition under wrong provision, filing present petition without invoking any provision of law, absence of proper affidavit, absence of supporting documents, contradictory stands

regarding travel dates and non-compliance with earlier High Court conditions clearly establishes abuse of process and lack of bona fides. Hence, the respondent prays to dismiss the petition.

5. Both sides heard at length. Petition, undertaking affidavit and counter are perused. Records perused.

6. Point for determination -

Whether permission is to be given to the petitioner to travel abroad as per the itinerary submitted before this court or not?

Answer :

7. This court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of records, it is found that the respondent/complainant herein has come up with a Supplementary Complaint in C.C.No.9/2023, wherein the petitioner herein was arrayed as 2nd Accused. The complaint is the one for the alleged offence defined u/s 3 of the PMLA and punishable u/s 4 of PMLA. At present, the case is pending for consideration of charges and some of the Accused have filed discharge petitions and the same is pending consideration. Apart from that, A5 has approached the Hon'ble Apex Court and the Hon'ble Apex Court has granted stay qua A5. At this juncture, the petitioner has come up with the present application seeking for permission to travel Dubai between 25.02.2026 and 03.02.3036.

8. It is pertinent to mention here that the petitioner/A2 has already approached this court seeking for permission to travel abroad to take medical treatment in Crl.M.P.No.3/2025. The said petition was dismissed by this court by order dated 09.07.2025. Aggrieved by the same, the petitioner has approached the Hon'ble High Court, Madras in Crl.O.P.N.20077/2025, wherein the Hon'ble Division Bench has granted permission to the petitioner to travel USA on the following conditions :

i) The petitioner shall file an undertaking affidavit before the Trial Court to return to India as per the itinerary annexed to the affidavit filed before this Court. The name of his daughter shown as an accompanying person should be deleted;

(ii) The petitioner shall execute a personal bond of for Rs.50,00,000/- (Rupees Fifty Lakhs Only) with two solvent sureties to the satisfaction of the Trial Court;

(iii) The petitioner shall furnish a Fixed Deposit Receipt (FDR) for Rs.5,00,000/- (Rupees Five Lakhs Only), which shall be held in custody of this Court and released only upon his return and compliance with all conditions;

(iv) Travel shall be strictly permitted for a limited period, in accordance with the itinerary that has been submitted;

(v) The travel shall be restricted exclusively for the purpose of medical consultation/treatment at Mayo Clinic, Arizona, USA, and not for any other purposes;

(vi) The petitioner shall file an affidavit of undertaking not to seek asylum, refugee protection, etc., or any extension of stay in the USA or elsewhere on any grounds whatsoever;

(vii) The petitioner shall not alter his flight itinerary, place of stay, treating hospital, or travel schedule without the prior permission of this Court;

(viii) The LOC shall be kept in abeyance from 29.08.2025 to 23.09.2025, and shall be revived automatically on 24.09.2025;

(ix) The Petitioner shall notify, and e-mail scanned copies of his immigration stamps, boarding passes, and travel documents (including transit entries) to the Investigating Officer, both at the time of departure and on his return;

(x) The petitioner shall register his presence with the nearest Indian Consulate or Embassy in the USA;

(xi) The petitioner shall appear before the Trial Court within 48 hours of return or on the next hearing date immediately after his return;

(xii) During his absence, if the hearing takes place before the Trial Court, the petitioner shall be represented by a counsel who shall file an appropriate application seeking leave of absence under Section 355 of BNSS;

(xiii) The petitioner shall deposit the original passport of his daughter before leaving India. He shall take return of the same on his return by filing an appropriate application;

(xiv) The petitioner shall provide all relevant contact details, including mobile numbers, e-mail addresses, and address of his stay abroad to the Investigating Officer, and to the Trial Court for the duration of travel and stay abroad.

The said conditions subsequently modified by an order dated 28.08.25 as below:

i) The petitioner shall file an undertaking affidavit before the Trial Court to return to India as per the itinerary annexed to the affidavit filed before this Court. The name of his wife shown as an accompanying person should be deleted;

(viii) The LOC shall be kept in abeyance from 28.10.2025 to 08.11.2025, and shall be revived automatically on 09.11.2025;

(x) On arrival, the petitioner shall register his presence with the nearest Indian Consulate or Embassy in the USA through e-mail;

(xiii) The petitioner shall deposit the original passport of his wife before leaving India. He shall take return of the same on his return by filing an appropriate application;

9. As per the above directions, the petitioner has submitted an undertaking affidavit before this court and executed personal bond for a sum of Rs.50,00,000/- with

two solvent sureties. Apart from that, the petitioner has furnished a Fixed Deposit Receipt for a sum of Rs.5,00,000/-. The petitioner has complied with all the other conditions imposed by the Hon'ble Division Bench of the Madras High Court and had undertaken the foreign trip. Subsequently, as per the directions of the Hon'ble High Court, Madras, the petitioner has appeared before this court.

10. Now that, on 17.02.2026, the petitioner filed a memo before this court stating that he is travelling to Dubai from Chennai International Airport on 20.02.2026, arriving at Dubai International Airport on 21.02.2026 by Flight No.EK-547 of Emirates Airlines, and will return from Dubai on 02.03.2026 by Flight No.EK-544, arriving at Chennai International Airport on the same day, i.e., 02.03.2026. According to the petitioner, as per the decision of the Hon'ble High Court, Madras in Pathan Asper Hussien -vs- Bureau of Immigration, reported in 2024 SCC OnLine Mad 8302, the right to travel abroad is a facets of Article 21 of the Constitution of India and that, once the conditions are complied with for the first time, for future travel abroad, the petitioners are required only to intimate the trial court and the investigating agency and comply with the conditions already imposed. Therefore, in compliance to the said directions, the said memo was said to have filed before this court. The said memo was recorded by this court.

11. Subsequently, on 20.02.2026, the petitioner has come up with another memo stating that the petitioner has also sent an Email communication intimating the travel

itinerary to the Investigating Agency with regard to his travel on 20.02.2026. However, as an abundant caution, the petitioner visited the office of the FRRO to intimate the same and the officials informed him that there is no permission granted by this court and that only an intimation has been recorded. Therefore, to avoid any ambiguity or hardship at the time of travel, the petitioner is filing the memo dated 20.02.2026 and seeking for permission to the petitioner to travel abroad.

12. This court has directed the petitioner to serve a copy of the memo to the learned Special Public Prosecutor. The copy of the memo was served on the Special Public Prosecutor. The learned Special Public Prosecutor has filed a memo of objection for the memo filed on 17.02.2026 and submitted that the reliance placed by the petitioner on the decision of the Hon'ble High Court, Madras in *Pathan Asper Hussen - vs- Bureau of Immigration* is misplaced one. That cannot be treated as a precedent for all cases. The learned Special Public Prosecutor has contended that the Hon'ble Division Bench of the High Court Madras in *CrI.O.P.No.20077/2025* made certain conditions so as to permit the petitioner to go abroad. According to the said conditions, it is only a one time affair and he cannot take advantage of the said orders and can travel abroad by merely intimating his travel itinerary to the court and the prosecution.

13. Apart from that, the learned Special Public Prosecutor has prayed for time to make objections to the memo filed by the petitioner on 20.02.2026. Both sides were

heard at length on the memos and objection to the memo and this court has made it very clear to the petitioner that no order can be passed in a memo as the memo is intended only to record certain facts and to bring some facts to the notice of the court. In view of the said position, the petitioner has filed the present petition on 20.02.2026. The learned Special Public Prosecutor has taken notice and filed his counter yesterday, i.e., on 23.02.2026. Both sides heard at length.

14. The moot question involved in the present application is - to travel abroad, after obtaining permission to travel abroad for the first time, whether mere intimation itself is sufficient for the subsequent occasions or permission need to be sought for in every occasion of travel.

15. The learned Senior Counsel for the petitioner submitted that the Hon'ble Division Bench of the Madras High Court in CrI.O.P.No.20077/2025 filed by this petitioner at paragraph No.23 has approved the law laid down by the Madras High Court in Pathan Asper Hussen -vs- Bureau of Immigration and W.P.No.27686 and 28518 of 2024, dated 06.12.2024 and in C.Sivasankaran -vs- Foreigner Regional Registration Officer and eight others in W.P.No.27856 of 2024, dated 21.12.2024. Therefore, according to the learned Senior Counsel for the petitioner, as per the decision in Pathan Asper Hussen -vs- Bureau of Immigration cited supra, once the conditions are complied with for the first time, for future travel abroad, the petitioners are required only to

intimate the trial Court and the investigating agency and also comply with the conditions. According to the learned Senior Counsel for the petitioner, the present petition has been filed only by way of an abundant caution. However, the learned Special Public Prosecutor contended that the said decision was rendered in the context of the said case and it does not laid down any general proposition to be followed by the trial courts in all cases. To understand it better, it is useful to extract the decision of the Hon'ble Madras High Court in Pathan Asper Hussen -vs- Bureau of Immigration cited supra herein below:

"35. To accomplish the purpose, the following self-operational mechanism is hereby provided:

a) In the first instance a petition should be filed before the trial Court for a direction to suspend the LOC, and to require the Court to set out the conditions for travel abroad. It may give reasons for travel, whose purpose is only to provide the setting for the Court. (Surely, this Court has all the powers to entertain a similar petition but except in cases of emergencies such as medical emergency or death; it would be advisable that petition for leave to travel is filed before the trial Court since the trial Court will have all the facts before it, which may have a bearing when it frames its conditions).

b) Once the petition is filed, the Court may not look to the reasons for travel, but should focus on the nature of conditions that may be imposed for the return of the Accused person to India. Here, the prosecution may have a right to make its statement to the Court.

c) So far as the conditions that may be imposed are concerned, the Court may devise these, which are effective, which hold reasonable assurance that the Accused may return to India, and are also workable. Some suggested conditions are :

i. To require the Accused person to provide any security either by depositing a stated sum in the Court, or any property whose value may be equivalent or approximates the said sum of in addition to the said sum;

ii. To require any relative or a business associate of the Accused person concerned who is a frequent traveller abroad with an active Indian passport, (the number of such foreign travel may vary from case to case, and the Court may have to satisfy itself based on each particular case) to provide surety for any stated value, and also to deposit the passport with the investigating agency (or even at the office nearer the home of the surety). Once the Accused returns to India, the passport of the surety concerned should be returned to him or her. In all cases due acknowledgment must be issued by the investigating agency.

iii. The condition (1) may either be given by the Accused person himself or herself, or by any other person for the Accused person, which may include sureties or any other.

d) Once the conditions imposed are complied, the Court may direct the suspension of LOC during the period of travel.

e) After the first occasion, every time an Accused proposes to travel abroad, he or she only needs to file a memo in the petition first filed, intimating the dates of proposed travel, and comply with the conditions originally set out. The prosecution may seek modification of any condition for any specific reasons, and the Court shall address the issue through a speaking order.

f) Once the conditions are complied with, the Originating Authority shall suspend the LOC during the period of travel, and restore it on the Accused person's return to India.

This method can be replicated for every travel abroad.

g) The conditions illustratively given in (c) can be substituted, if the Accused person himself/herself gives anything which is equally efficacious.

h) The conditions listed above are not mandatory if the investigation agency has reasons to believe that the Accused will return to India, and conveys the same to the Court.

16. On careful perusal of the said decision, it is clear that after the first occasion, every time the Accused proposes to travel abroad, he only needs to file a memo in the petition first filed, intimating the dates of proposed travel, and comply with the conditions originally set out. The prosecution may seek modification of any condition

for any specific reasons, and the Court shall address the issue through a speaking order. The above direction was given to balance the right of the Investigating Agency and the right of Accused to travel abroad. The Hon'ble High Court has made it very clear that the right to travel abroad is one of the facets under Article 21 of the Constitution of India and not on any need basis. Further, it has made it very clear that the court may not look into the reasons for travel, but should focus on the nature of condition for the return of Accused person to India. Therefore, as per the decision cited supra, the petitioner once got permission to travel abroad, in subsequent occasions, need not file a petition seeking for permission, but he needs to file a memo in the petition first filed intimating the dates proposed travel and comply with the conditions originally set out. The prosecution was also given liberty to seek for modification of any condition for any specific reasons, and the Court shall address the issue through a speaking order. The Hon'ble Division Bench has also agreed to the said position in the petition filed by the petitioner herein and imposed conditions in line with the said decision. Therefore, in view of the said authoritative decisions, this Court is of the considered view that the petitioner, having obtained permission to travel abroad from the Hon'ble Division Bench, on subsequent occasions can very well approach this court by way of memo intimating his plan to travel abroad and to comply with the conditions set out by the Hon'ble Division Bench in the first occasion.

17. In this case, though this court has originally declined permission to the petitioner to travel abroad, the petitioner herein challenged the same before the Hon'ble High Court, Madras in CrI.O.P.No.20077/2025 and the Hon'ble High Court, Madras, by its order dated 08.08.2025, permitted the petitioner to travel abroad with the aforesaid conditions extracted supra. As per the doctrine of merger, the conditions whatever imposed by the Hon'ble High Court, Madras in CrI.M.P.No.20077/2025, shall be treated as if the conditions imposed by this court. Therefore, as per the decision of the Hon'ble High Court, Madras in Pathan Apser Hussen vs. Bureau of Immigration cited supra which was approved by the Hon'ble Division Bench in Cr.O.P.No.20077/2025, the petitioner need to file only a memo intimating the travel plan and shall comply with the conditions set out by the Hon'ble Division Bench of the Madras High Court.

18. However, the learned Special Public Prosecutor has submitted that the Hon'ble Division Bench of the Madras High Court in CrI.O.P.No.20077/2025 has made it very clear that the travel was permitted only for a limited period and it cannot be extended beyond the limited period given by the Hon'ble Division Bench of the Madras High Court. The learned Special Public Prosecutor relied on the decision of the Hon'ble Apex Court in Mahesh Kumar Agarwal -vs- Union of India and another to say that the Accused person facing criminal prosecution shall travel abroad only with the permission of the Court. However, on careful perusal of the said decision, it is found that the said decision was given completely in different context, where the Accused approaches for

renewal of passport, the Hon'ble Apex Court has held that the renewal of passport shall be permitted subject to the conditions that it shall be deposited again before the court and any travel to abroad is with the permission of the court.

19. Apart from that, on careful perusal of the order of the Hon'ble Division Bench of the Madras High Court, it is found that the Hon'ble Division Bench has not given the permission as one time measure as claimed by the learned Special Public Prosecutor, but, the Hon'ble Division Bench has only observed that the travel should be strictly permitted for a limited period in accordance with the itinerary submitted. Therefore, the conjoint reading of the above decisions makes it clear that the right to travel abroad is also a fundamental right. When a person required for criminal justice system, he has to get permission from the court to travel abroad by giving the necessary particulars and securities to secure his presence before the Trial court for trial. As per the decision in Pathan Asper Hussen cited supra, in cases where the Accused travels abroad frequently, the permission need not be taken every time and he can file a memo intimating his travel plan and complying with the conditions already imposed. The Hon'ble High Court has made it very clear that the court may not look into the reasons for such a foreign visits, but, to look into only the factors, which securing his presence for the trial before the court. Therefore, the contention of the learned Special Public Prosecutor that the petitioner has not substantiated his purpose of his travel before this court cannot be countenanced as no such requirement is contemplated.

20. In this case, though the petitioner was granted permission earlier by the Hon'ble Division Bench of the Madras High Court for travelling abroad for medical purpose, now that the petitioner wants to go to Dubai for exploring educational opportunities of his daughter. The petitioner has filed an undertaking affidavit that he will abide by the earlier conditions imposed by the Hon'ble High Court, Madras in Crl.O.P.No.20077/2025. The petitioner has submitted his revised travel plan also before this Court and as per the travel plan, he will return to India on 01.03.2026. The case is posted on 11.03.2026 and as per the travel plan submitted the petitioner will return to India even before the next hearing date. Therefore, this court deem it fit to accord permission to the petitioner to travel abroad on the same conditions.

21. In the result, the petition is allowed and the Petitioner is permitted to travel abroad on the following conditions :

- i) The petitioner had already filed an undertaking affidavit before this Court to return to India as per the itinerary mentioned in the affidavit filed before this Court and he shall stick to the itinerary.
- (ii) The petitioner had already furnished a Fixed Deposit Receipt (FDR) for Rs.5,00,000/- (Rupees Five Lakhs Only), which shall be held in custody of this Court and be released only upon his return and compliance with all conditions;
- (iii) The petitioner shall execute a personal bond for Rs.50,00,000/- (Rupees Fifty Lakhs Only) with two solvent sureties to the satisfaction of this court.

(iv) The petitioner had already filed an affidavit of undertaking not to seek asylum, refugee protection, etc., or any extension of stay in Dubai or elsewhere on any grounds whatsoever and that the same is recorded;

(v) The petitioner had already deposited his wife's passport and that the same will be returned only after his return and on necessary petition.

(vi) The petitioner shall not alter his flight itinerary, place of stay or travel schedule without the prior permission of this Court;

(vii) The LOC shall be kept in abeyance from 26.02.2026 to 01.03.2026, and shall be revived automatically on ⁰²01.03.2026;

(viii) The Petitioner shall notify, and e-mail scanned copies of his immigration stamps, boarding passes, and travel documents (including transit entries) to the Investigating Officer and to this court, both at the time of departure and on his return;

(ix) The petitioner shall register his presence with the nearest Indian Consulate or Embassy in the Dubai either physically or electronically;

(x) The petitioner shall appear before this Court within 48 hours of his return;

(xi) The petitioner shall provide all relevant contact details, including mobile numbers, e-mail addresses, and address of his stay abroad to the Investigating Officer, and to this Court for the duration of travel and stay abroad.

Dictated to the Steno-typist, transcribe by him, corrected and pronounced by me in open court this the 24th day of February, 2026.

KARTHIKEYAN
SHANMUGAM

Digitally signed by
KARTHIKEYAN
SHANMUGAM
Date: 2026.02.24 19:12:27
+0530

Principal Sessions Judge.

Granted as per LOC, dt. 26/2/26