

Ms. Neha Balani i/by M/s. Hulyalkar and Associates, for Petitioner.
Mr. Kuldeep S. Patil with Ms. Saili Dhuru for Respondent -CBI.
Mr. A.R.Metkari, AGP for Respondent No.3.

P.C.

1. Heard the learned Counsel for the parties.
2. By this Petition under Articles 226 and 227 of the Constitution of India, the Petitioner – accused takes exception to an order dated 15 October 2025 passed by the learned Chief Judicial Magistrate, Pune, whereby the application preferred by the Petitioner seeking permission to travel abroad for medical treatment came to be rejected.
3. The Petitioner has been arraigned for the offences punishable under Sections 61 and 318 of the Bharatiya Nyaya Sanhita, 2023 (BNS 2023) and Sections 66D read with 75 of the Information Technology Act, 2000, for having allegedly operated illegal call centers and thereby committed cheating by impersonation, and deceived primarily the foreign nationals, especially from the United States of America under the pretext of providing technical support services in pursuance of a criminal conspiracy . The Petitioner was arrested

on 10 October 2024. Eventually, the Petitioner came to be released on default bail by an order dated 9 December 2024, subject to certain conditions, including that the Petitioner shall not leave the country without the permission of the Trial Court, till the conclusion of the trial.

4. The Petitioner preferred an application seeking permission to travel to Dubai for medical treatment for a period of 15 days from 10 October 2025 to 25 October 2025. The application was resisted by the prosecution. By the impugned order dated 15 October 2025, the learned CJM was persuaded to reject the application observing, inter alia, that there was inconsistency in the purpose for which the Petitioner intended to travel to Dubai. In paragraph No.15, it was asserted that, there was an urgent business meeting. In contrast, the Petitioner had not filed the original documents to substantiate the stated purpose of visit to Dubai i.e. to have medical treatment. Alluding to the apprehension of the prosecution that the Petitioner may abscond, if permitted to travel abroad, the application came to be rejected.

5. Ms. Neha Balani, the learned Counsel for the Petitioner, submitted that, the original documents evidencing the medical examination and the necessity of medical treatment of the Petitioner were indeed available. Attention of the Court was invited to a certificate purportedly issued by the Medical Officer attached to the Spinal Health Centre, Dubai Healthcare City, UAE.

6. Mr. Patil, learned Counsel for the Respondent, resisted the prayer of

the Petitioner to travel abroad. It was submitted that, there was no material to show that the Petitioner had availed treatment at the Spinal Healthcare Centre in the past and for the follow-up treatment, the Petitioner was required to travel to Dubai.

7. Thereupon, an additional affidavit came to be filed on behalf of the Petitioner, to which operative notes maintained at Mirdif Hospital, are annexed.

8. It is the claim of the Petitioner that the Petitioner is suffering from severe and progressive neurological disorder, namely, cervicothoracic and lumbosacral radiculopathy, as well as ankylosis of multiple joints, which causes debilitating pain, severely restricted mobility, and, progressive muscular weakness.

9. The Petitioner has placed on record adequate material in the form of the medical evaluation reports and the reminder for follow-up treatment. The operative notes dated 4 February 2024 indicate that, a medical procedure, namely, manipulation under anesthesia of the spine, bilateral upper extremity, bilateral lower extremity, was performed under the care of Dr. Sharik Ali. The discrepancy in the purpose for which the Petitioner intended to travel to Dubai, therefore, does not detract materially from the claim of the Petitioner.

10. It is trite, right to travel abroad is reckoned to be a facet of right to life and personal liberty. In the case of **Satish Chandra Verma V/s. Union of**

India and Ors.¹, the Supreme Court expounded the scope of personal liberty, in the context of a right to travel abroad in the following words :

“5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. (see **Maneka Gandhi V. Union of India**²) In the said judgment, there is a reference to the words of Justice Douglas in *Kent V. Dulles* 357 US 116 (1958) which are as follows :

“Freedom to go abroad has much social value and represents the basic right of great significance.”

11. On an analysis of the facts that emerge from the records, this Court finds that the Petitioner has adequate roots in the society. The apprehension on the part of the Respondents of fleeing away from justice can be taken care of by imposing appropriate conditions. Resultantly, the Petition deserves to be allowed and the Petitioner is permitted to travel to Dubai, UAE for a period of 30 days for the purpose of medical evaluation and treatment under the care of Dr. Sharik Ali, subject to appropriate conditions.

1 2019 SCC Online 2048

2 (1978) 1 SCC 248

12. Hence, the following order :

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The impugned order dated 15 October 2025 stands quashed and set aside.
- (iii) The Petitioner is permitted to travel to Dubai, UAE, for a period of 30 days from 13 February 2026 for the purpose of medical evaluation and treatment under the care of Dr. Sharik Ali, subject to the Petitioner depositing an amount of Rs.2,00,000/- in the trial Court, by way of security.
- (iv) The Petitioner will be entitled to refund of the security deposit after he returns to India and reports to the trial Court.
- (v) The Petitioner shall also furnish, on an affidavit, the details of the itinerary, particularly the date on which the applicant would return to India, and the address/es at which the Petitioner would be residing in Dubai and the contract number/s and address thereat.
- (vi) The Petitioner shall also furnish a self-attested copy of the passport along with the affidavit, to be filed before the trial Court.
- (vii) Copy of such affidavit and self-attested copy of the passport be also furnished to the Investigating Officer.

(N.J.JAMADAR, J.)