



2026:CGHC:27206

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRMP No. 1534 of 2026**

**Reserved on : 24.06.2026**

**Delivered on : 02.07.2026**

Sunil Kumar Agrawal S/o Late Mohan Lal Agrawal Aged About 55 Years R/o - R-3, Aishwarya Residency, Telibanda, Raipur and District- Raipur (C.G.)

**... Petitioner(s)**

**versus**

Directorate of Enforcement Raipur Zone, Raipur Zonal Office, Raipur, Chhattisgarh. Through - Assistant Director, Directorate Of Enforcement, Raipur Zone, Raipur Zonal Office, Raipur, Chhattisgarh

**... Respondent**

---

For Petitioner : Mr. Nikhil Varshney, Ms. Shimpi Agrawal & Ms. Pallavi Choudhary, Advocates.

For Respondent : Dr. Saurabh Kumar Pandey, Advocate.

---

**Hon'ble Shri Justice Narendra Kumar Vyas**

**CAV JUDGMENT**

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 assailing the order dated 06.06.2026 passed by the learned Special Judge (Prevention of Money Laundering Act, 2002), Raipur in Special Case No. 03/2023 by which the petitioner's application for grant of permission to travel to Abu Dhabi, UAE for medical treatment, has been dismissed. The petitioner has also prayed for grant of permission to travel abroad/UAE on future dates to avail necessary follow-up medical treatment as may be prescribed by his doctor at Khan Kinetic Treatment Orthopedic Spine Centre, Abu Dhabi, UAE.

2. The case of the prosecution, in brief, is that on 12.07.2022, FIR No. 129/2022 was registered by Kadugodi Police Station, Whitefield, Bengaluru under Sections 186, 204, 353 & 120B of IPC against one Suryakant Tiwari & other persons on the basis of complaint filed by Deputy Director of Income Tax, Foreign Assets Investigation Unit-I Bengaluru alleging that as part of conspiracy, during course of search by Income Tax department on 30.06.2022, Suryakant Tiwari had obstructed the officials from carrying their official duties and destroyed crucial incriminating documents and digital evidence about the alleged illegal extortion on Coal Transportation to the tune of Rs. 25/- per tonne payments collected by Suryakant Tiwari and his associates and on the basis of said search made by the Income Tax Department, FIR No. 1292022 Police Station- Kadugodi along with a report on the investigation conducted by the Income Tax Department on M/s Jay Ambey Group of Raipur (Suryakant Tiwari Group) was registered. It has also been alleged that the said process of online dispatch procedure has been changed to manual due to involvement of certain officer of the government in connivance with Suryakant Tiwari and his associates.
3. The role of the present petitioner is that the present petitioner is promoter of M/s Indermani Group having a close relationship with Suryakant Tiwari. Investigation revealed that the petitioner had helped Suryakant Tiwari in acquiring coal washeries from M/s Indus Udyog & Infrastructure Pvt Ltd. and M/s Satya Power and Ispat Ltd. These coal washeries were acquired for an amount of Rs. 96 crore, out of which Rs. 34 crore was registered value and was paid through banking channel and rest of the amount was to be paid in cash. Thus, large

amount of illegally acquired cash was layered in these transactions by the petitioner. The petitioner knowingly and willingly participated in these transactions to layer and obfuscate the real ownership of these tainted properties. Despite being a man of means and business standing, he knowingly acted as a benami for Suryakant Tiwari and has assisted in the money laundering process. Apart from the above two washeries, after the income tax raids on Suryakant Tiwari and his associates, Indermani Group purchased all the benami properties of Suryakant Tiwari to safeguard the ill-gotten proceeds of crime and to frustrate the efforts of Enforcement Directorate to attach the proceeds of crime. All these transactions are sham transactions and in effect petitioner's Indermani Group is holding these assets for Suryakant Tiwari and his benamis. It is also alleged that he has only blocked his capital in these assets and the remaining entire cash transactions were still done by Suryakant Tiwari only. Accordingly, the petitioner was charge-sheeted for commission of offence under Sections 3 & 4 of the Prevention of Money Laundering Act, 2002 (for short "the PMLA, 2002").

4. The record of the case would show that the petitioner filed an application for grant of regular bail before this Court bearing MCRC No. 402/2024 which was dismissed vide order dated 08.04.2024. Against that the petitioner preferred SLP (CrI.) No. 5890/2024 before Hon'ble the Supreme Court and Hon'ble the Supreme Court vide order dated 17.05.2024 has granted interim bail to the petitioner subject to his furnishing bail bonds to the satisfaction of the Special Court, Raipur (C.G.). which has been continued by Hon'ble the Supreme Court vide order dated 07.08.2024.

5. The record of the case would further reveal that the petitioner has preferred an application before the learned Special Court on 25.05.2026 for grant of permission to travel to Abu Dhabi, UAE for medical treatment alleging that the petitioner is experiencing pain in his left leg particularly around the hamstring and calf muscle region while playing badminton. It is also case of the petitioner that he was examining at Lilavati Hospital & Research Centre, Mumbai where the injury on his left thigh was diagnosed and he was advised for operation. It is also the case of the petitioner that this treatment is not efficient treatment for illness which has been diagnosed to him. It has also been contended that he has made an attempt to obtain further medical opinion but could not get proper advice, therefore, he has obtained opinion from Khan Kinetic treatment technology which provides treatment for the illness diagnosed in case of the petitioner without operation by vibration sound waves to treat the chronic musculoskeletal condition. The clinical case report with regard to that treatment which may be provided to the patient was also annexed with the application filed before this Court.
6. The respondent has not filed reply to the said application but has contended that they have no objection in granting permission for foreign trip but on certain conditions like that the accused should deposit photocopy of the visa/passport, tickets and on return he will submit the prescription of the treatment provided to him at UAE. It has also been contended that before travelling he should submit affidavit/undertaking as sought by them. The learned trial Court vide its order dated 06.06.2026 has dismissed the said application which is being challenged by the petitioner in this CRMP.

7. Learned counsel for the petitioner would submit that the impugned order passed by the learned Special Court rejecting the petitioner's application seeking permission to travel to Abu Dhabi, UAE, for medical treatment is illegal, arbitrary and contrary to settled principles of law. He would further submit that the learned Special Court failed to properly appreciate the medical documents placed on record, including the OPD Sheet of Lilavati Hospital & Research Centre, Mumbai dated 30.04.2026, X-ray reports dated 11.05.2026 and consultation records dated 14.05.2026, which clearly demonstrate that the petitioner is suffering from a serious left thigh hamstring injury requiring specialized treatment. He would further submit that the petitioner seeks to undergo KKT (Khan Kinetic Treatment) therapy at KKT Orthopedic Spine Centre, Abu Dhabi, UAE whereas no specialized treatment is available in India. He would further submit that the learned Special Court erred in observing that no doctor had specifically recommended KKT treatment and in disbelieving the petitioner's assertion regarding non-availability of the said treatment in India. He would further submit that the respondent did not seriously oppose the application and merely sought appropriate safeguards such as furnishing travel details, passport, visa and medical records, as such rejection of the application only on assumption is unsustainable. He would further submit that the learned Special Court has wrongly relied upon an earlier application filed in the year 2024 seeking permission to travel abroad for the petitioner's son's treatment, which was wholly unrelated to the present request concerning the petitioner's own medical treatment.
8. He would further submit that the petitioner has scrupulously complied with all bail conditions imposed by the Hon'ble Supreme Court and the

learned Special Court, has cooperated throughout the investigation and trial proceedings, and has never misused the liberty granted to him. The petitioner has deep roots in society, with his family, residence and business establishments situated in the State of Chhattisgarh, and there is no possibility of his absconding or evading the process of law. He would further submit that denial of permission would cause grave prejudice to the petitioner by depriving him of specialized medical treatment, whereas no prejudice would be caused to the respondent if permission is granted subject to appropriate conditions. He would further submit that the right to travel abroad forms an integral part of personal liberty guaranteed under Article 21 of the Constitution of India and cannot be curtailed except by a procedure established by law as held by Hon'ble the Supreme Court in case of **Maneka Gandhi Vs. Union of India, Satwant Singh Sawhney Vs. D. Ramarathnam & Satish Chandra Verma IPS Vs. Union of India.**

9. He would further submit that the Courts have consistently permitted accused persons to travel abroad where they have complied with bail conditions and there is no apprehension of their absconding. To substantiate this submission, he has referred to the judgment rendered by Hon'ble the Supreme Court in case of **Parvin Juneja Vs. Enforcement Directorate, Rana Ayyub Vs. Union of India, Raghav Bahl Vs. Enforcement Directorate, Vyomesh Shah Vs. Directorate of Enforcement & Roshni Kapoor Vs. CBI.**
10. He would further submit that where specialized medical treatment is required from a particular institution or doctor, permission to travel abroad ought to be granted as held by Hon'ble the Supreme Court in case of **Directorate of Enforcement Vs. Jatinder Pal Singh.** He

would further submit that the petitioner is willing to furnish all travel particulars, passport and visa details, confirmed appointment records, treatment documents and any other undertaking or security as may be directed by this Court and would pray for setting aside the impugned order and also to grant permission to the petitioner to travel to Abu Dhabi, UAE, for medical treatment subject to such terms and conditions as this Court may deem fit and proper.

11. To substantiate his submission, he would also refer to the judgments rendered by Hon'ble the Supreme Court in case of **Priya Parameswaran Pillai Vs. Union of India & others [2015 SCC OnLine Del 7987]**, **Satyendra Kumar Jain Vs. Directorate of Enforcement [SLP (Crl.) No. 6561/2023]**, **Parvez Noordin Lokhandwalla Vs. State of Maharashtra [(2020) 10 SCC 77]**, **Ganapati Ramnath Vs. State of Bihar [2017 SCC OnLine SC 1998]**, judgment rendered by this Court in case of **Sunil Kumar Dhawan Vs. State of Bihar [SLP (Crl.) No. 6123/2022]**, **Anil Dammani Vs. Directorate of Enforcement [MCRC No. 657/2024]**, **Dheluram Vs. State of Chhattisgarh & others [WPCR No. 133/2026]** and the judgment rendered by High Court of Jharkhand in case of **Madhu Singh Vs. State of Jharkhand through CBI [CRMP No. 1829/2025]**.
12. Learned counsel for the respondent opposing the submission made by learned counsel for the petitioner while referring to the reply submitted before this Court, supporting the impugned order passed by the learned Special Court would submit that the petitioner was granted interim bail by Hon'ble the Supreme Court in SLP (Crl.) No. 5890/2024 vide order dated 17.05.2024, which was subsequently made absolute on 07.08.2024. One of the conditions imposed by the learned Special

Court while releasing the petitioner on bail was that he shall not leave India without prior permission of the Court, therefore, the petitioner has no vested right to travel abroad in violation of the conditions imposed by Hon'ble the Supreme Court. He would further submit that the petitioner has suppressed material facts and has incorrectly stated that the respondent had not raised any substantive objection before the learned Special Court as they have specifically questioned the authenticity and evidentiary value of the medical documents and internet printouts relied upon by the petitioner and had objected to the proposed foreign treatment. He would further submit that the petitioner had earlier filed a similar application seeking permission to travel to Abu Dhabi, UAE, allegedly for the medical treatment of his son, which was rejected by the learned Special Court on 16.07.2024 and the petitioner has attempted again to secure permission to travel to the same destination on a different medical pretext.

13. He would further submit that no qualified orthopedic surgeon, specialist doctor, or treating hospital has recommended that the petitioner to undergo KKT (Khan Kinetic Treatment) therapy in Abu Dhabi. The medical records relied upon by the petitioner merely disclose routine treatment for muscle strain and age-related cervical issues, for which adequate and advanced medical facilities are readily available in India. He would further submit that the petitioner has failed to establish that the proposed treatment is unavailable in India. The claim regarding non-availability of KKT treatment is based solely on unauthenticated web-page printouts, unsupported by any affidavit, expert opinion, certificate of a medical board, or other reliable evidence. He would further submit that the petitioner has a history of invoking medical

grounds to obtain special privileges. He would further submit that during judicial custody, the petitioner spent a substantial period in hospitals on medical grounds and the Directorate had earlier reported instances of misuse of such medical facilities, therefore, the present request is not bonafide and deserves strict scrutiny. He would further submit that the petitioner is a financially influential and resourceful person accused in a serious economic offence involving alleged proceeds of crime. Considering the nature of the allegations, his financial capacity, and international connections, there exists a genuine apprehension that if he is permitted to travel abroad, he may evade the process of law, thereby adversely affecting the conduct and conclusion of the trial and would pray for dismissal of the petitioner affirming the order passed by the learned Special Court.

14. I have heard learned counsel for the parties and perused the documents placed on record with utmost satisfaction.

15. From the above discussion, the Point to be emerged for determination by this Court is :-

“Whether the petitioner has made out an exceptional, bonafide case of medical exigency that outweighs the state's interest in the uninterrupted progression of the criminal trial.”

16. The contention of learned counsel for the petitioner is that the petitioner has right to travel to abroad for medical treatment, is integral facets of Personal Liberty enshrined under Article 21 of the Constitution of India, is being considered by this Court. It is not in dispute that right to travel abroad, is valuable one and integral part of right to personal liberty but equally it is well settled principle of law that traveling to abroad is dependable upon the nature of the allegation leveled against the

accused in a criminal case, the conduct of the accused and above all the need to ensure that he does not pose a risk of evading the prosecution which has to be carefully evaluated in each case. Hon'ble the Supreme Court in case of **Parvej (supra)** has held in paragraph 22 as under:-

“22. The private complaint which is the genesis of the present proceedings was instituted in January 2014. The gravamen of the allegation is that the appellant has forged and fabricated the Power of Attorney of 19 December 2011 of his brother Shalin. Mr. Jha submits that, as a matter of fact, the Power of Attorney has not been used at any point; his brother was present in India at the time when conveyance was entered into; and that his brother has never raised any objection. However, we are not inclined to go into these factual aspects at the present stage. It would suffice to note that the co-accused was granted bail by the Sessions Judge Thane on 16 April 2018. We are called upon to decide only whether the appellant should be permitted to travel to the US for eight weeks. In evaluating this issue, we must have regard to the nature of the allegations, the conduct of the appellant and above all, the need to ensure that he does not pose a risk of evading the prosecution. The details which have been furnished to the Court by the appellant, indicate that he has regularly travelled between the US and India on as many as sixteen occasions between 2015 and 2020. He has maintained a close contact with India. The view of the High Court that he has no contact with India is contrary to the material on record. The lodging of an FIR should not in the facts of the present case be a bar on the travel of the appellant to the US for eight weeks to attend to the business of revalidating his Green Card. The conditions which a court imposes for the grant of bail – in this case temporary bail – have to balance the public interest in the enforcement of criminal justice with the rights of the accused. The human right to dignity and the protection of constitutional safeguards should not become illusory by the imposition of conditions which are disproportionate to the need to secure the presence of the accused, the proper course of investigation and eventually to ensure a fair trial. The conditions which are imposed by the court must bear a proportional relationship to the purpose of imposing the conditions. The nature of the risk which is posed by the grant of permission as sought in this case must be carefully evaluated in each case.”

17. From law laid down by Hon'ble the Supreme Court as aforesaid, this Court has to ascertain whether there is risk of evading prosecution or not. The record of the case would demonstrate that the petitioner is involved in money laundering case which is of a serious nature and if the petitioner is granted permission for treatment abroad, he may evade prosecution and may drag the trial which may also adversely affect the ongoing trial pending against 26 more accused out of which some of the accused who are senior bureaucrats posted with the Government in a higher position. Thus, the petitioner's prayer has rightly been rejected by the learned trial Court. The record of the case would clearly show that the petitioner has not furnished any report/medical record to demonstrate that this is the only line of treatment provided for the ailment shown by the petitioner and in absence of non-providing permission to travel for treatment, the petitioner may actual suffer illness or due to non-grant of permission, the alleged illness may threaten danger to life of the petitioner. The record of the case would further demonstrate that whether the facilities which the petitioner intend to take are available in India or not.
18. The respondent has also raised objection that there is no referral from Medical Board or the hospital or the Government Agency to undergo KKT technology abroad and also contended that the OPD slip furnished by the petitioner, is only to demonstrate that the petitioner has taken treatment on 30.04.2026 for the said illness which clearly demonstrate that on such cogent material has been placed on record regarding the illness. A vague statement regarding illness has been stated by the petitioner, as such, in absence of any cogent material placed on record by the petitioner, this Court cannot record a finding

that no such treatment is available in India or the KKT technology facility is available in UAE only.

19. Even otherwise, the medical infrastructure within India possesses world-class expertise, state-of-the-art diagnostic tools, and therapeutic facilities capable of treating the petitioner's condition. The choice of an accused to be treated in a specific foreign country cannot override the mandate of law when equivalent medical treatment is readily accessible domestically. Personal preference cannot be equated with absolute medical necessity. Hon'ble the Supreme Court in case of **Seesa Santosh Vs. The State of Telangana & another [2026 INSC 628] (decided on 04.06.2026)** has held that the medical facilities in India are comparable with any facility available in foreign country and in paragraph 9 has held as under:-

“9. The “exigencies of medical treatment to be undergone” by the respondent no.2 and that “he has appeared before the Magistrate Court on the last 12 occasions” coupled with his undertaking to return to India within 6 (six) months were considered good enough reasons by the High Court to interfere in the exercise of its revisional jurisdiction. Having regard to the trajectory of the proceedings right from the date the FIR was registered, the conduct of the respondent no.2, the nature of his ailment, and the medical facilities available in India (which, we believe, are comparable with any facility available in any foreign country), we have no doubt in our mind that the High Court instead of exercising judicial restraint was indulgent towards the respondent no.2 and permitted him to travel to the USA even though all medical facilities exist domestically.”

20. From perusal of record, it is also quite vivid that the offences alleged against the petitioner are of a grave and serious in nature, carrying substantial punitive consequences. The prosecution has placed on record credible material indicating that the petitioner commands significant financial resources, influential connections, and assets outside the jurisdiction of this Court. The petitioner can choose not to

return to the territory of India, the process of bringing an absconding accused back through international extradition channels is a protracted legal battle that would effectively derail the trial indefinitely. The apprehension of the prosecution that the petitioner poses a potent flight risk is, therefore, neither imaginary nor illusory, but a well-founded probability. The record of the case would further demonstrate that the trial is currently positioned at a critical juncture and law of a criminal trial requires the physical or active legal presence of the accused and allowing the petitioner to leave the jurisdiction of the country for an extended period would inevitably stall the trial proceedings. This would not only prejudice to the case of the prosecution but would also violate the fundamental principle of a speedy trial, affecting co-accused persons and would amount to wasting valuable judicial time, therefore, it is held that the learned Special Court has not committed any patent illegality, perversity, or jurisdictional error warranting any interference in the impugned order dated 06.06.2026 while exercising power under Section 528 of the B.N.S.S.

21. Considering these aspects of the matter, the petitioner has failed to establish an exceptional, bonafide case of medical exigency that outweighs the state's interest in the uninterrupted progression of the criminal trial, therefore, the **Point** determined by this Court is answered **against** the **petitioner** and in favour of the respondent.
22. Consequently, the Criminal Miscellaneous Petition lacks merit, liable to be dismissed and accordingly, it is dismissed.

**Sd/-**  
**(Narendra Kumar Vyas)**  
**Judge**