
(2026) 02 JH CK 1809

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 1829 Of 2025

Madhu Singh

APPELLANT

Vs

State Of Jharkhand through Central Bureau of Investigation

RESPONDENT

Date of Decision : 03-02-2026

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 409, 420, 423, 434, 465
Prevention of Corruption Act, 1988- 7, 10, 11, 13
Prevention of Money Laundering Act, 2002 — Section 3, 4

Citation : (2026) 02 JH CK 1809

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Ajit Kumar, Neha Mehta, Akriti Shree, Aprajita Bhardwaj, Prashant Pallav, Shreya Shukla

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Ms. Neha Mehta, learned counsel appearing for the petitioner and Mr. Prashant Pallav, learned counsel appearing for the CBI.

2. This petition has been filed for modification of the order dated 13.05.2014 passed in B.A. No.3581 of 2014 by the Coordinate Bench of this Court only to the extent of the conditions that have been imposed upon the petitioner in light of the order dated 13.12.2010 passed in B.A. No.9220 of 2010.

3. Learned counsel appearing for the petitioner submits that the petitioner is the wife of ex M.L.A. and Minister of Jharkhand, namely, Kamlesh Kumar Singh and there is allegation against the husband of the petitioner of acquiring illegal wealth by abusing his position for which Vigilance P.S. Case No.09/2009 has been instituted on 02.07.2009 for the offence under Sections 409, 420, 423, 434, 465 and 120-B of the Indian Penal Code and Sections 7, 10, 11 and 13 of the Prevention of Corruption Act. She further submits that the Enforcement

Directorate also registered a case being ECIR/02/Pat/09/ AD(B) on 14.02.2011 for the offence under Section 3/4 of Prevention of Money Laundering Act. She next submits that the husband of the petitioner, who was prime accused in both the cases, filed B.A. No.9220 of 2010 before this Court and while considering the said bail application of the husband of the petitioner, the Court has been pleased to grant him bail with few conditions and conditions have been made to the effect that; (a) the applicant shall not directly or indirectly or through others make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority; (b) the applicant shall remain present before the court on the dates fixed for hearing of the case. If he wants to remain absent then he shall take prior permission of the court and in case of unavoidable circumstances for remaining absent he shall immediately give intimation to the appropriate court (AHD) and also to the Superintendent, CBI and request that he may be permitted to be present through his counsel; (c) the applicant shall not leave the country till the trial is complete. In the event of emergency, only after prior permission of the Court; (d) the applicant shall surrender his passport, if any, (if not already surrendered) and in case he is not a holder of the same he shall swear to an affidavit. If he has already surrendered before the Designated court, that fact should also be supported by an affidavit; and (e) the applicant shall not give for publicity his comments or opinion on the merits of the case pending against him, except when he is required to state it in the court concerned. She also submits the present petitioner, who was also in custody, filed her bail application being B.A. No.3602 of 2014 in connection with ECIR/02/Pat/09/ AD(B) as well as B.A. No.3581 of 2014 in connection with R.C. Case No.5(A)/2010-AHD/R. She submits that both the bail applications were taken up on 13.05.2014 and the petitioner has been granted regular bail, however, same conditions have been put therein which have been laid down in B.A. No.9220 of 2010 filed by the husband of the petitioner. She further submits that in light of the bail order, the petitioner is fully cooperating in the trial and she has not violated any terms and conditions, till date. She then submits that out of more than 100 witnesses, only 46 witnesses have been examined till date. She next submits that the petitioner is 58 years old and she is suffering from extremely serious, advanced and life- threatening chronic liver disease. She submits that liver biopsy has been conducted at the Institute of Liver and Biliary Sciences, New Delhi on 25.06.2025 which conclusively establish that the petitioner is suffering from Stage 4B cirrhosis under the Laennec classification, which is an advanced stage of chronic liver disease and medically recognized as the pre-cancer stage. She further submits that biopsy further reflects extensive structural distortion of the liver, portal fibrosis, lymphoplasmacytic inflammation, copper-associated protein deposition and autoimmune-related pathological changes indicating an overlap syndrome involving autoimmune hepatitis and primary biliary cholangitis. She refers to the said report dated 25.06.2025, contained in Annexure-SA-1 of the supplementary affidavit, filed on behalf of the petitioner. She also submits that various diagnostic investigation reports are

contained in Annexure-SA-2 (series) of the supplementary affidavit. She next submits the relatives of the petitioner are there in United States of America (USA) as well as in United Kingdom (UK) and she wants to go either USA or UK for better treatment and in view of that, the petitioner may kindly be allowed to visit the said country. On these grounds, she submits that the passport of the petitioner may kindly be released.

4. Learned counsel appearing for the CBI opposed the prayer and submits that the petitioner is an accused of disproportion of assets case and in view of that, the said conditions have been put by the Coordinate Bench of this Court. He further submits that the learned Court has rightly rejected the said prayer of the petitioner.

5. The medical reports brought on record by way of filing supplementary affidavit, are of reputed institution i.e. Institute of Liver and Biliary Sciences, New Delhi and the finding is there that the petitioner is having Cirrhosis (Probable underlying etiology autoimmune hepatitis and Primary biliary cholangitis overlap) and Laennec cirrhosis substage-4B as per liver biopsy. The other diagnostic and investigation reports are contained in Annexure-SA- 2 (series) of the supplementary affidavit. The petitioner is aged about 58 years old and she wants to go for better treatment either to USA or UK as her relatives are there in those countries.

6. In the case of Satish Chandra Verma v. Union of India & others, reported in 2019 SCCOnLine SC 2048, it has been held by the Hon'ble Supreme Court in paragraph 5 that the right to travel abroad is an important basic human right. Paragraph 5 of the said judgment reads as under:

"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 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 : Mrs. Maneka Gandhi v. Union of India (1978) 1 SCC 248). 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 human right of great significance."

7. In the case of Maneka Gandhi v. Union of India, reported in (1978) 1 SCC 248, the Hon'ble Supreme has considered the right to travel abroad and later on it was reiterated in the case of SatishChandraVerma(supra).

8. Admittedly, at present the petitioner has not been convicted. The petitioner is facing trial and she wants to travel abroad for her medical treatment. Further, it is a duty of the authority concerned to find out suitability of the Visa to be

granted for how many days in favour of the petitioner and that is not the concern of the Court.

9. In the case of Parvez Noordin Lokhandwalla v. State of Maharashtra and another, reported in 2020 Supreme (SC) 748, it has been held by the Hon'ble Supreme Court in paragraph 24 as under:

"24. Having regard to the genesis of the dispute as well as the issue as to whether the appellant is likely to flee from justice if he were to be permitted to travel to the US, we find, on the basis of the previous record of the appellant, that there is no reason or justification to deny him the permission which has been sought to travel to the US for eight weeks. The appellant is an Indian citizen and holds an Indian passport. While it is true that an FIR has been lodged against the appellant, that, in our view, should not in itself prevent him from travelling to the US, where he is a resident since 1985, particularly when it has been drawn to the attention of the High Court and this Court that serious consequences would ensue in terms of the invalidation of the Green Card if the appellant were not permitted to travel. The record indicates the large amount of litigation between the family of the appellant and the complainant. Notwithstanding or perhaps because of this, the appellant has frequently travelled between the US and India even after the filing of the complaint and the FIR. We accordingly are of the view that the application for modification was incorrectly rejected by the High Court and the appellant ought to have been allowed to travel to the US for a period of eight weeks. We accordingly permit the appellant to do so, subject to his furnishing an undertaking to this Court before the date of travel that he will return to India after the expiry of a period of eight weeks and that he shall be available on all dates of hearing before the court of criminal jurisdiction, unless specifically exempted from personal appearance. The undertaking shall be filed in this court before the appellant undertakes travel. On the return of the appellant after eight weeks and if it becomes necessary for him to travel to the US, the appellant shall apply to the concerned court for permission to travel and any such application shall be considered on its own merits by the competent court. The appellant shall travel only upon the grant of permission and subject to the terms imposed. The passport of the appellant shall be handed over to the appellant to facilitate his travel, subject to the condition that he shall deposit it with the investigating officer immediately on his return."

10. The petitioner has deposited the passport in the year 2014. There is no allegation that the petitioner has not co-operated in the trial and she has tried to influence any witness. The petitioner is about 58 years old lady and she is suffering from Cirrhosis and she is required to travel abroad for her treatment. Further, the petitioner has been directed to deposit her passport in B.A. No.3581 of 2014, vide order dated 13.05.2014 and in that background, the passport has been deposited.

11. For the aforesaid facts, reasons and analysis and considering that the petitioner is having ailment of Cirrhosis which is at of stage 4B and to travel

abroad is the fundamental right of the petitioner and that has been held by the Hon'ble Supreme Court in the case of SatishChandraVerma and Maneka Gandhi (supra) and in that view of the matter, the order dated 13.05.2014 passed by the Coordinate Bench of this Court in B.A. No.3581 of 2014 can be modified further.

12. In view of the above facts, reasons and analysis, the learned Court shall release the passport in favour of the petitioner and at the time of obtaining passport she will file an undertaking before the learned Court to the effect that at the time of leaving the country for each time for how many days she will travel abroad and when she will return back to India, she will inform the Court. The passport shall be released to the petitioner with condition that she will apply before the concerned Court for permission for each travel. The passport of the petitioner shall be handed over to the petitioner with the aforesaid conditions.

13. It is made clear that if the conditions made herein above will not be fulfilled by the petitioner, the learned Court will be at liberty to take appropriate steps against the petitioner.

14. Accordingly, this petition is allowed in above terms and disposed of.