

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl.A. No. 1 of 2025

Smt. Paishola Hungyo

Appellant

Vs.

The National Investigation Agency (NIA) and Another

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

24.04.2025

(D. Krishnakumar, C.J) :

[1] Mrs. G. Pushpa, learned counsel, appears for the appellant; Mr. RK Umakanta, learned senior Public Prosecutor assisted by Mr. W. Niranjit, learned Deputy Government Advocate, appears for the State respondent and Mr. Kh. Samarjit, learned DSGI assisted by Mr. Paikhomba, learned counsel, appears for the NIA.

[2] The petitioner has filed an application in Cril. Misc. (B) Case No. 11 of 2025 (Ref:- i) Spl. Trial (NIA) Case No. 1 of 2022 and (ii) NIA Case No. Rc-33/2021/NIA/DLI) before the Court of Special Judge(NIA), Manipur seeking for releasing the accused who is the son of the petitioner on bail on medical ground who is presently lodged in judicial custody at Manipur Central Jail, Sajiwa and now undergoing treatment at JNIMS Medicine Male Ward No. 9, Unit-II, having been admitted on 18.01.2025.

[3] The case of the petitioner is that the accused had left the school in the year 2013 due to poverty and one Robert Bankong had taken the accused and other children, including his own child on 03.10.2016 and left them at Moreh town. He then took back his own son leaving behind the accused and others. They were not even allowed to communicate with their family members. The accused was misled into taking part in the ambush which had taken place on 13.11.2021. In October, 2022, the accused deserted the Myanmar camp and he tried to escape earlier many times but each time he was caught and punished. Finally, the accused surrendered before the NIA and the NIA picked him up from Dimapur on 16.11.2022. Since then, the accused has been in judicial custody.

[4] Further case of the petitioner is that after the accused was lodged in Sajiwa Jail, he developed '**Adult Nephrotic Syndrome**' which can lead to kidney failure and other complication. The health condition of the accused is deteriorating and he needs treatment outside the premises of Sajiwa Jail and therefore, for taking treatment, the petitioner's son (accused) filed an application being Cril. Misc. (B) Case No. 1 of 2024 before the Court of Special Judge (NIA), Manipur for treatment of the son of the petitioner within the State of Manipur and the petitioner also agreed that the accused is ready and willing to comply with any directions imposed by this Court. On this ground, he made a request before the trial court seeking for granting bail for taking treatment of the petitioner's son (accused) and further states that on 08.03.2024, the accused was granted interim bail for a period of 60 days for taking treatment.

[5] Learned counsel appearing for the respondents herein would submit that the petitioner's son was accused in serious offences in FIR No.12(11) 2021 SGT/PS u/s 121/121-A/302/326/34 IPC, section 25(1-C) Arms Act, Sections 10/16/18/20/39 of UA (P) Act and Section 5 of the Explosives Substances Act which was registered by the State police in connection with the incident of ambush on the convoy of 46 Bn Assam Rifles near Sialish Village of Churachandpur District, Manipur. Subsequently, the case was transferred to the NIA for further investigation and the respondent further says that now the examination of the witnesses has been commenced before the Special Judge (NIA), Manipur.

[6] At this juncture, Mr. Kh. Samarjit, learned DSGI, appearing for the NIA submits that the accused may not allowed to grant any interim bail and if bail is granted to the petitioner's son/accused, it will amount to tempering of the witnesses. With respect to granting of interim bail to the accused on medical ground, learned DSGI further states that all possible treatment will be provided to the JNIMS Hospital, Porompat, Imphal East, Manipur and therefore, the said request of the petitioner to grant bail to her son is to be rejected confirming the order of the learned Special Court (NIA), Manipur-1. He also brought to the notice of this Court that letter dated 17th April, 2025 of the Director, JNIMS reflects that as per report submitted by HoD, Nephrology, JNIMS, specialized treatment facility is available at JNIMS and further the UTP namely Mahairing Hungyo @ Achan is a known case of Adult Nephrotic Syndrome and requires Rituximab therapy every 3 months which can be given on OPD basis. Further, it is also informed by the Director, JNIMS, Porompat, Imphal East in its letter dated 22nd April, 2025 which reads as follows :-

“1. Mr. Maharing Hungyo was admitted on 10th April, 2025 for Rituximab infusion and discharged the next day. Rituximab is not available at JNIMS Hospital Medical Store, As such patient brought the medication from outside. The price of Rituximab will vary depending upon from where the patient procures it. Usually it is available for Rs.14,000 to Rs.20,000. Rituximab is given as slow infusion (over 8 hrs for 1st dosage) and over 4-6 hrs. for subsequent dosage.

2. Our treatment plan is to put the patient on Rituximab injection once every three month this year(2025) and to send CD 19 cell count at every 3 month interval. By 2026, the treating doctor will try to stop Rituximab and see whether the patient can manage without that.

Further as per report submitted by Medical Superintendent, JNIMS it is submitted that the UTP's are treated in JNIMS Hospital by providing all the available facilities free of cost at par with all other inpatients as per the existing free diagnostic initiatives of the Government. However, hospital charges which are applicable as per the rates fixed by the authority and other expenditure of investigation/medicines which are not available in JNIMS are borne by the custodian of the patient.”

[7] In response to the aforesaid letter dated 22nd April, 2025 of the Director, JNIMS, Porompat, Imphal East; the Superintendent of Police, Manipur Central Jail, Sajiwa by its letter dated 22nd April, 2025 states that the office of the Superintendent, Manipur Central Jail, Sajiwa shall avail the Rituximab Infusion therapy, shall procure from the open market for providing treatment to the said accused person namely Mahairing Hungyo @ Achan at the earliest and further, it

is also mentioned in the letter dated 22nd April, 2025 that the office of the Superintendent, Manipur Central Jail, Sajiwa has produced the sick inmates to JNIMS Hospital twice in a week in different department of OPD. However, the accused UTP has to be produced on Thursday as his doctor is available only that day. Accordingly, the accused UTP attended OPD on 10.04.2025 and provide injection by the treating doctor of JNIMS.

[8] Mr. Kh. Samarjit, learned DSGI appearing for the respondents submitted before this Court that necessary treatment will be provided by the JNIMS, Porompat, Imphal East, Manipur as well as the Superintendent, Manipur Central Jail, Sajiwa will render assistance to the accused person. In these circumstances, he has given an undertaking before this Court with regard to the necessary treatment of the accused by them.

[9] We are also inclined to direct the respondent No. 2 i.e., the Superintendent of Jail, Manipur Central Jail, Sajiwa, Manipur and the Director, JNIMS Hospital, Porompat, Imphal East, Manipur that whatever treatment is required to the accused, considering his health condition, including the medicines, the same may be provided to him. If during the treatment of the accused, if no medicines, prescribed by the doctor concerned, is available in their custody, they are at liberty to purchase the medicine in advance from outside their campus and make them easily available to the patient/accused in time, if the patient/accused is not in a position to purchase the medicines due to financial problem. In such circumstances, the State authority shall settle the amount at the earliest without any delay for meeting the urgency of the accused/patient. Further, they should

submit the bills of the medicines purchased by them immediately to the concerned authority for claiming reimbursement at the earliest. We make it sure to the accused/patient that the JNIMS Hospital will provide all the facilities to the accused for his treatment.

[10] We also make it clear that if there is any violation of the order by the respondents, the petitioner/appellant is at liberty to file appropriate application to seek further relief.

[11] We are not inclined to interfere with the order passed by learned Special Judge (NIA), Manipur but we are modifying the order as per the submission made before this Court by the parties.

[12] Needless to state that learned Special Court, NIA, Manipur-1 shall dispose of the aforesaid criminal case by giving them opportunity to complete the trial as early as possible without any delay considering the health condition of the accused.

[13] With the observation and direction, this criminal appeal is disposed.

JUDGE

CHIEF JUSTICE

Sushil