



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.1785 of 2022

IN

C.C 256/2021

(Pending before Hon'ble II Additional NDPS Judge, Chennai)

C.KARPAGAM

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

NCB, CHENNAI.

RR7/2021

(NCB F.NO.48/1/04/2021-NCB/MDS)

For Petitioner : M/S.J.SASILIEE Advocate

For Respondent : MR.N.P.KUMAR Special Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioner.

2. The petitioner arrayed as the first accused in a case involving seizure of 3 Kgs of Hashish. Along with this petitioner, there are two more accused and after completion of the investigation, the respondent has filed a complaint which has been taken on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.256 of 2021.



3. In the bail petition, it was canvassed that the petitioner is suffering from serious ailment and she needs proper medical care and for that purpose, she may be granted bail. To ascertain the health condition of the petitioner, this Court directed learned Additional Public Prosecutor to produce the medical record pertaining to the petitioner and nature of treatment given to her for the ailment.

4. Today, the respondent has filed the report of the Medical Officer, Special Prison for Women, Puzhal, Chennai addressed to the Superintendent of Prisons, Puzhal, Chennai, regarding the treatment given to the petitioner herein. The report reads as below:

"RP 8960 Karpagam aged 47 years was admitted into Special Prison for Women, Puzhal on 10.04.2021. On admission screening she claimed to be a k/c/o Rheumatoid Arthritis. Since 10 years on treatment. During her stay in prison hospital she had on & off complaints of fever, upper respiratory tract infection, nausea, giddiness. Covid swab taken on 23.05.2021 and 06.09.2021 and was found to be negative both times. Covid-19 Vaccine 1st dose was given on 24.06.2021. She was referred to Stanley on 17.07.2021 for specialist opinion regarding her multiple joint pain and restriction of movements where she was admitted. There she was diagnosed as seronegative arthritis/systemic Hypertension/ Hypokalemic Quadriparesis. She was discharges on 14.08.2021 and sent to Special Prison for Women. She continued her treatment on OPD basis in prison hospital. On 20.12.2021 she was admitted in prison hospital for dehydration and was treated with IV fluids and discharged on 21.12.2021. On 26.02.2022, screening done for HBS Ag & HCV Ab & results found to be negative. Currently she has stable vitals with BP:130/70 mmHg, PR:82/min, she is on with

Chloroquine	1-0-0
Prednisolone	1-0-0
Calcium	1-0-1
BCT	1-0-0
Omez	1-0-1
FA	1-0-0
MTX Weekly once."	

5.The report of the Medical Officers clearly indicates that the petitioner has been given proper medical care for her ailment in prison and if she needs any personal treatment and care, they are ready to provide it after obtaining Specialist opinion regarding her ailment.



6. In view of the above fact, this Court is of the view that the petitioner being involved in trafficking Narcotic drugs of commercial quantity, failed to satisfy the twin conditions imposed under Section 37 of the NDPS Act and the reason for seeking bail also does not warrant the release of the petitioner except to direct the respondent as well as the Prison Authorities to provide necessary care to the petitioner and attend her ailment without any neglect. Hence, this Criminal Original Petition for bail is dismissed.

-sd/-

15/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER NDPS JUDGE,
CHENNAI.

2 THE INSPECTOR OF POLICE,
NCB, CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR FOR NCB CASES
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+2CC to M/S.J.SASILIE Advocate on payment of necessary charges
SR.No.3895

CRL OP.1785/2022

Date :15/03/2022

CSK 18/03/2022