



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/06/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11021 of 2023

Tamilarasi,

... Petitioner/Accused 6

Vs

The Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai
Crime No.743/2022.

... Respondent/Complainant

For Petitioner : M/s.SUYAMBULINGA BHARATHI, Advocate
for M/s.ANANTHA MURUGAN S, Advocate
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 743 of 2022 on the file of the respondent police.

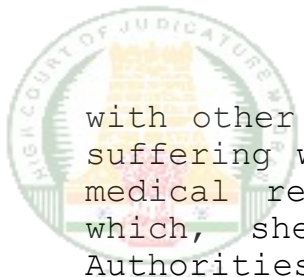
ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 12.08.2022 for the offence under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.743 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.08.2022, at about 13.15 hours, based on a secret information, the respondent at about 13.45 hours, had gone near the Vaigai Vadagarai Service Road. On suspicion, they had stopped A1 to A6 and at that time, all the accused tried to escape from the scene of occurrence, however, the respondent police caught them and explained about the statutory right of being search before Magistrate and the first accused came forward and gave voluntary confession statement that she was in possession of 22.500kgs of Ganja. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.The learned counsel for the petitioner would submit that though the petitioner was found in possession of contraband along



with other accused persons weighing 22.500 kgs of Ganja, not suffering with breast cancer. The learned counsel also produced the medical record from the Government Rajaji Hospital, Madurai, in which, she was subjected for medical examination by the Jail Authorities. She is counting her days and as such, she sought for bail.

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5. Therefore, this Court directed the respondent to verify the present status of the petitioner's medical condition. The learned Additional Public Prosecutor submitted a report dated 22.06.2023 before this Court, wherein, the Assistant Surgeon, Central Prison, Madurai, stated that the petitioner is a known case of Type-II Diabetes Mellitus and Systemic Hypertension on regular treatment and therefore, she was referred to Government Rajaji Hospital, Madurai on four occasions. She further stated that the petitioner got admitted for four days and she was treated for various illness. She further stated that she was offered to test for carcinoma breast and patient declined every mode of imaging and fine aspiration to confirm the diagnosis. Therefore, if she co-operate, she will be given proper treatment and she will be taken good care.

6. On perusal of the medical records issued by the Government Rajaji Hospital, Madurai, revealed that her (i) left breast-1.4x0.6cm m/s ill defined hypoechoic lesion and right breast-1.7cm from the margin at 12 clock position and no internal vascularity; (ii) Axilla-enlarged axilla preserved hilum larger m/s 1.4x0.7 cm and USG guided FNAC of 2 mass:- Acellular xxxx repeat FNAC and patient not willing for FNAC and further evaluation management for breast (mammogram)-serum cortisol-9.67 S.TSH-2.39 MIV.

7. It is seen that the petitioner is not willing to take any treatment from the Government Rajaji Hospital and she wants to take proper treatment in the Government Hospital.

8. Considering the above illness suffered by the petitioner and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Special Judge for EC and NDPS Act, Principal Special Court for EC and NDPS Act Cases, Madurai, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the trial Court daily at 10.30 AM, until further orders.



[d] the petitioner shall not commit any offences of nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/06/2023

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23/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE SPECIAL JUDGE FOR EC & NDPS ACT,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI.
- 2 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, MADURAI, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANANTHA MURUGAN S Advocate SR.No.9513

ORDER IN

CRL OP(MD) No.11021 of 2023

Date :23/06/2023

SA/VR/SAR. /23.06.2023/3P/6C