



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.165 of 2023
in
CRL A(MD)No.35 of 2021

MANJULA ARASUPPILLAI

... PETITIONER/APPELLANT

(NOW CONFINED AT CENTRAL PRISON FOR WOMEN,
TRICHIRAPPALLI)

Vs

THE INVESTIGATING OFFICER /INSPECTOR,
CENTRAL BUREAU OF NARCOTICS,
PREVENTIVE AND INTELLIGENCE CELL,
CHENNAI.

F.NO.XV(11) 9 /CHN/ZOLPIDEM/2016 -
(CBN CRIME NO.02/2016)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on Interim bail for period of 6 months in Crl A (MD) No. 35 of 2021 against C.C No. 44 of 2017 on the file of the Learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act cases, pudukottai dated 28.12.2020 pending disposal as per suspension of sentence petition in crl MP(MD)No.8839 Of 2022 in CRL A(MD)No.35 of 2021 on the file of this Hon`ble Court.

PRAYER in CRL A(MD)No.35 of 2021:

Criminal Appeal filed under Section 374(2) of Cr.P.C.to call for the records of the Court below and set aside the judgment and conviction in C.C.No.44 of 2017 on the file of the learned Additional District and Sessions Judge/Presiding Office, Special Court for Ec and NDPS Act Cases, Pudukkottai, dated 28.12.2020.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Advocate for M/S. GUHAN.K, for the petitioner and of Mr.C.ARULVADIVEL @ SEKAR, Special Public Prosecutor for NCB Cases on behalf of the Respondent, the Court made the following order:-



2. The facts in brief:-

On 04/12/2016, the accused was found in possession of the 3450 Zolpidem Tartrate tablets 10 mg with brand name Zolfresh, 640 Zolpidem Tartrate tablets 10 mg with brand name Restonite, 8400 Alprazolam 0.5 mg tablets with brand name Becalm and 20 bottles of Codeine Phosphate 100 ml with brand name Eskuf, which are the prohibited products under section 4 of the NDPS Act. When she came down to India through a Flight called 'Malindo Airlines' on 04/12/2016 at about 11.25 hours, the above said contraband was recovered or seized as the case may be. After completing the investigation, final report was filed charging the petitioner under section 8(e) r/w 22(c), 23, 28 and 29 of NDPS Act.

3. Before the trial court, to prove the charges on the side of the prosecution 6 witnesses were examined, 37 documents marked, apart from 13 Material Objects were exhibited. On the side of the defence, no oral and documentary was adduced.

4. At the conclusion of the trial, the accused was found guilty under sections 8(c) r/w 22(c), 8(c) r/w 21(c) and 8(c) r/w 23(c) r/w 28 of the NDPS Act, convicted and sentenced him to undergo 10 years RI each and imposed a fine of Rs.1,00,000/- each with default clause and directed to run the sentences concurrently.

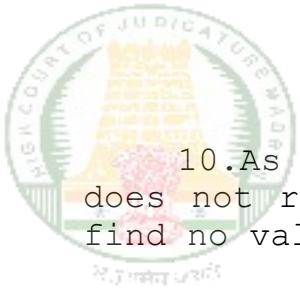
5. Challenging the above said sentence, criminal appeal has been preferred. Pending the above said appeal, this petition has been filed on medical grounds, seeking interim bail, by suspending the sentence.

6. Heard both sides.

7. The learned Senior counsel appearing for the petitioner would submit that the petitioner is suffering from chest pain and other complications including cardio issue. On that account, she seeks interim bail, so that the petitioner got to be admitted in a private hospital for continuing better treatment.

8. Since, medical ground has been raised, the petitioner was ordered to be produced through VC before this court and she was also produced. But she was found hale and healthy. Finding that there was no requirement of immediate release from the prison for continuing treatment out of the prison, this court was not inclined to grant bail and it has been brought to the notice of this court during the enquiry that the petitioner is not having good conduct.

9. Reading of the medical records have also shown that she was suffering from hypertensive and for that, regular treatment was given by the prison hospital itself. At one point of time, she complained chest pain. In one or two occasions, she complained chest pain, she was admitted in the hospital and ECG was also taken, which was found to be normal.



10.As mentioned above, she is hale and healthy condition she does not require any treatment out side the prison hospital. So, I find no valid reason to enlarge the petitioner on interim bail.

11.In the result, this criminal miscellaneous petition is **dismissed**. The petitioner may get ready to argue the main case after preparation of the typed set.

sd/-
14/02/2023

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/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE SUPERINTENDENT ,CENTRAL
PRISON,TRICHY.
- 3 THE SUPERINTENDENT OF PRISON FOR WOMEN,
TRICHY.
- 4 THE INVESTING OFFICER/INSPECTER,
CENTRAL BUREAU OF NARCOTICS PREVENTIVE
AND INTELLIGENCE CELL,CHENNAI.
- 5 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.GUHAN, Advocate (SR-2274[I] dated 14/02/2023)

ORDER
IN
CRL MP (MD) No.165 of 2023
in
CRL A (MD) No.35 of 2021
Date :14/02/2023

SS/BUC/19/06/2023/3P/7C