



CRL OP(MD). No.5452 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5452 of 2024

Rajapandi

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
NIBCID Police Station, Dindigul.
Crime No.15/2023..

... Respondent/ Complainant

For Petitioner : Mr.C.Karthikeyan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.15/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 25.11.2023 for the offences punishable under Sections 8 (c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2.The case of prosecution is that the petitioner and other accused were found in possession of 21.600kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is confined at Dindigul Prison. For the petitioner's ailment, there is no proper medical facility in the Dindigul District Jail. In support of his contention, he has filed a Wound Certificate, dated 02.05.2022, for the injuries sustained by the petitioner in an incident, wherein, his two fingers had severed. He further submitted the prescription, dated 09.10.2023, wherein, the petitioner was prescribed with two tablets. Therefore, he requested to grant bail to the petitioner on medical grounds, in order to take proper treatment for the petitioner's ailment.

4. The learned Additional Public Prosecutor submitted that the allegation as against the petitioner is that he was found in possession of 21 kgs of ganja at the

<https://www.mhc.tn.gov.in/judis>



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time of occurrence. He was arrested and remanded to judicial custody along with the contraband. Considering the nature of offence, the earlier petition filed by the petitioner seeking bail was rejected by this Court. Therefore, seeking bail he has filed this petition on medical grounds stating that he is having some ailment due to the injuries sustained during the year 2022.

5. As directed by this Court, the Dean, Medical College Hospital, Dindigul after examining the health condition of the petitioner submitted a report stating that neither intervention nor surgery is required for the petitioner. Further, the Medical Board has also submitted a report, dated 23.04.2024 stating about the health condition of the petitioner, which is extracted hereunder:

“This is to certify that Mr.Muthupandi @ Rajapandi, S/o. Muthuraman has alleged history of assault and injury to both upper limb, right lower limb and abdomen on clinical examination and radiological examination

1. Patient has united fracture patella needs Nil Orthopedic intervention at present.
2. Patient is having deformity, right hand/clawing of right hand
3. Absent 3rd, 4th fingers in left hand with contracture of little finger



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Plastic surgery opinion needed for further examination, evaluation and treatment of abnormality both hands. Not an emergency situation."

6. However, considering the reports of the Medical Board and Dean of the Medical College Hospital, this Court is not inclined to consider the case of the petitioner on medical ground. However, the Superintendent of Prison, Dindigul is directed to provide treatment to the petitioner in the Medical College Hospital, Dindigul, if it is required.

7. With the above directions, this petition stands dismissed.

sd/-
24/04/2024

/ TRUE COPY /

/05/2024

Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE SUPERINTENDENT OF PRISON, DINDIGUL

2. THE INSPECTOR OF POLICE,
NIBCID POLICE STATION, DINDIGUL.



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3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5452 of 2024
Date :24/04/2024

RK/GS (30/04/2024) 5P / 4C

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