



Cr.L.A. No.1235 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE NONOURABLE MR.JUSTICE N.SENTHILKUMAR

Criminal Appeal No.1235 of 2024

Khaja Mohaideen

.. Appellant

Vs.

1. Union Of India
Rep.By The Inspector Of Police,
National Investigation Agency,
Chennai Branch.
In Rc.No.42/2022/NIA/DLI.

2.The Superintendent of Prisons
Puzhal-1, Chennai
(R2 SUO MOTU IMPEADED AS PER ORDER DT. 10/12/2024
IN CRL A 1235/2024)

.. Respondents

* * *

Prayer : Criminal Appeal filed under Section 21(4) of the National Investigation Agency, 2008, to set aside the order passed in CrI.M.P.No.1918/2024 dated 05.09.2024 on the file of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai at Poonamallee, Chennai and grant interim bail to the appellant for 30 days.



WEB COPY



CrL.A. No.1235 of 2024

For Appellant : Mr.I.Abdul Basith

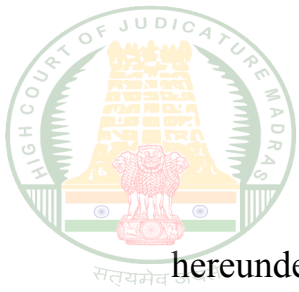
For Respondent : Mr.R.Karthikeyan, Spl. Public
Prosecutor For NIA Cases

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH, J.)

On the ground that the appellant/prisoner requires Ayurvedic medical treatment at Sreedhareeyam Ayurvedic Eye Hospital & Research Centre Pvt. Ltd., Nellakattu Mana, Kizhakombu P.O, Koothattukulam, Ernakulam, kerala, India - 686 662, he seeks to set aside the order of the Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai at Poonamallee, Chennai passed in CrL.M.P.No.1918/2024 Spl.SC No.1/2023 dated 05.09.2024 and consequently, seeks for grant of interim bail for 30 days.

2. It is brought to our notice that earlier, on the same ground the appellant sought for necessary direction of this Court for the purpose of permitting the appellant to take treatment for Proliferative Diabetic Retinopathy, and the Co-ordinate Bench of this Court had disposed of the said Writ Petition in W.P.No.7858 of 2023 as closed vide order dated 26.06.2023, allowing the appellant to take treatment in a private hospital of his choice. For better appreciation, the relevant portion of the said order is extracted



Cr.L.A. No.1235 of 2024

hereunder:

WEB COPY

"5. Learned Prosecutor, submits, on instructions that undertrial prisoner will continue to get medical attention in the private hospital of his choice as this has been done hitherto. This submission is recorded.

6. In the light of the narrative thus far, we drop the curtains on the captioned writ petition but make it clear that if there are other developments or if there is any other departure, it is open to the petitioner or anyone concerned for undertrial prisoner to come to this Court with similar / same prayer and all rights and contentions of the undertrial prisoner, petitioner and anyone concerned for undertrial prisoner are preserved in this Court."

3. The learned Special Public Prosecutor appearing for the respondents would submit that as per the report of the Medical Board, no further treatment is required for the prisoner. However, in the instant case, it is the claim of the appellant that owing to the Homeopathy treatment, he had development certain allied ailments, which could be cured only by Ayurvedic methods.

4. Heard the learned counsel for the appellant and the learned Special Public Prosecutor appearing for the respondents.



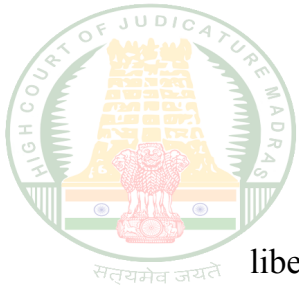
CrL.A. No.1235 of 2024

WEB COPY

5. We are inclined to accept the submission of the learned counsel for the appellant and grant interim bail for a period of 30 days, as the order of interim bail is purely on medical grounds. However, since it is the apprehension of the learned Special Public prosecutor that the prisoner may not surrender on completion of the period of interim bail, as he is outside the state of Tamil Nadu, we are inclined to order interim bail with maximum escort. Accordingly, the order passed in CrL.M.P.No.1918 of 2024 is set aside and the appellant is granted interim bail for a period of 30 days, with maximum escort, commencing from 02.04.2025, subject to the following conditions:

(i) The Prisoner namely Khaja Mohaideen, S/o.Shiek Jintha, aged about 37 years, now confined at Central Prison, Puzhal, Chennai, shall be released on interim bail from 02.04.2025 to 01.05.2025, subject to his furnishing bail bonds of value of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties each for a like sum to the satisfaction of the learned Special Court under the National Investigation Agency Act, 2008, Sessions Court for Exclusive Trial for Bomb Blast Cases, Chennai at Poonamallee, Chennai.

(ii) During the period of interim bail, the appellant will be at



Cr.L.A. No.1235 of 2024

WEB COPY

liberty to have assistance of any one of his family members.

(iii) Further, during the period of interim bail, the appellant shall not interact with any other person, other than the appellant's attendant and also that he shall not leave the premises of Sreedhareeyam Ayurvedic Eye Hospital & Research Centre Pvt. Ltd.

[M.S.R., J.] [N.S., J.]
11.03.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1.The Inspector Of Police,
National Investigation Agency,
Chennai Branch.
In Rc.No.42/2022/NIA/DLI.

2.The Superintendent of Prisons
Puzhal-1, Chennai

3.The Public Prosecutor,
Madras High court.

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.



WEB COPY



Crl.A. No.1235 of 2024

Anu

Crl. A. No.1235 of 2024

Dated : 11.03.2025