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WP CrI. No. 1201 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 1201 of 2026 AND

WPMP CRL. No. 414 of 2026

T.Devanathan Yadav
S/o. Thiruvengadam,
No. 3, Deenadayalu Street,
T.Nagar, Chennai - 600 017.

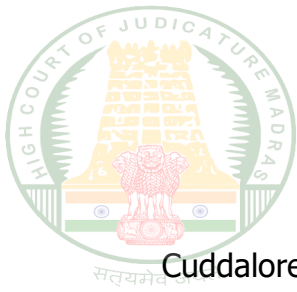
..Petitioner

Vs

1. Deputy Superintendent of Police
Deputy Superintendent of Police,
Economic offences wing, Chennai.
2. The Superintendent of Police
The Superintendent of Police,
Office of the Superintendent of Prisons,
Central Prison,
Cuddalore.
3. Mylapore Fund Aggrieved Depositors Association,
Rep.by its Joint Secretary
Harisudha, Vedhachalam, Flat No.2B,
Srivari Apartment, 18, Abdul Razak Street,
Saidapet, Chennai 600 015.
(R3 impleaded vide order dated 29.05.2026
in WMP (CrI) No.413 of 2026 by GRSJ&VLNJ)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus or any other Writ or order or direction, directing the 2nd respondent to The Superintendent of Police, Office of the Superintendent of Prisons, Central Prison,



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Cuddalore to permit the petitioner to avail treatment at a Private Hospital and also hand over the medical records of the treatment underwent by the petitioner at Government Head Quarters Hospital, Cuddalore, Government Hospital, Villupuram, Rajiv Gandhi Government General Hospital and Stanley Government forthwith and for consequential orders.

For Petitioner :	Mr.J.Sivananda Raj, Senior Counsel for Mr.K.R.Ramesh Kumar
For Respondents :	Mr.C.R.Malarvannan Additional Public Prosecutor for R1 and R2 Mr.R.Thirumoorthy – for R3

Order

(Order of the Court was made by G.R.Swaminathan J.)

Any undertrial prisoner is entitled to consult and be defended by a legal practitioner of his choice. This is a fundamental right guaranteed under Article 22(1) of the Constitution of India. Question arises if he is also entitled to consult and be treated by a medical practitioner of his choice. Can such a right be brought within the scope of Article 21 of the Constitution of India?

2. Before we answer, it is necessary to set out the facts leading to the filing of this writ petition. The writ petitioner was the Chairman and Managing Director of a financial establishment known as Mylapore Chit Funds Limited. This was established way back in the year 1872. The petitioner would claim that due to COVID-19 pandemic there was a run on the institution which led to large scale default. In the wake of default committed by the Company, Crime No.14 of 2024 was registered by



the Economic Offences Wing of Chennai. The petitioner was arrayed as A2. He was arrested on 13.08.2024. Final report was filed before the Special Judge for TNPID Act Cases, Chennai. The case was taken on file in C.C.No.1 of 2025 for the offences under Sections 409, 420 read with 34 IPC, 22 of BUDS Act and Section 5 of TNPID Act 1997 and Section 61(2), 316(5), 319(2), 344, 336(2) 338 read with Section 3(5) of BNS, 2023, Section 22 of BUDS Act and Section 5 of TNPID Act, 1997. The petitioner is presently in custody. He was out on interim bail for a brief period. He has been in incarceration for close to 600 days.

3. The petitioner is aged about 66 years. He is a senior citizen and he is said to be suffering from a host of ailments such as immense Blood Pressure, shoulder dislocation, diabetes and spinal tuberculosis. He is also having neurological issues. He was treated in Stanley Medical Hospital. The petitioner has now been transferred to Central Prison, Cuddalore. The petitioner has been treated in Government Hospital, Villupuram as well as Government Headquarters Hospital Cuddalore and he underwent multiple tests including MRI scan. The petitioner has been diagnosed with having neurological disorders along with Ortho related ailments. The petitioner had been medically advised to undergo two surgical procedures, one on his shoulder and one on the spine. The petitioner is also suffering from prolapsed spinal disc with compression of the nerve routes . These surgical procedures cannot be undertaken successively. There has to be necessarily time gap between the procedures, during which the petitioner will have to take physiotherapy also.



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4. Learned Senior Counsel appearing for the writ petitioner submitted that the petitioner wants to take treatment in a private hospital and that he may be shifted from jail for that purpose for a period of twelve weeks.

5. The petitioner's request was strongly opposed both by the State as well as the learned counsel appearing for the impleaded respondent. While they conceded that the petitioner should be given treatment, but he cannot insist that he should be given treatment in a private hospital. Responding to the petitioner's claim that he would bear the attendant costs, the learned counsel for the impleaded respondent submitted that the petitioner cannot be allowed to enjoy with the hard earned money of the depositors. It is further stated that if the petitioner is shifted to a private hospital, the depositors may assemble there in large numbers and that may lead to law and order situation.

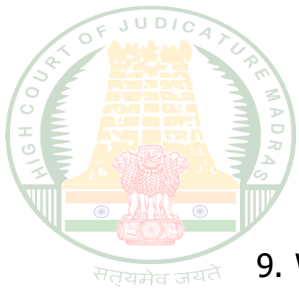
6. We carefully considered the rival submissions and went through the materials on record.

7. In order to ascertain the period that may be needed for giving proper treatment to the petitioner, we directed that he may be assessed by the doctors at the JIPMER. JIPMER authorities could not give the report due to paucity of time.



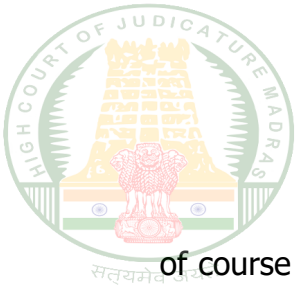
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8. The petitioner is not asking for bail. He is only requesting that he may be permitted to avail treatment at a private hospital. It is well settled that Article 21 of the Constitution of India applies to all persons and that would include an undertrial prisoner also. Long ago it was held that the applicability of Part III of the Constitution of India will not stop at the prison gates. A prisoner is also entitled to certain fundamental rights, though with abridged scope. Right to life would include the right to get proper medical treatment. If a person is ill and if medical intervention is required, it has to be provided to him. If a person has no choice, then he has to accept whatever is provided in the given circumstances. But where there is an option, one would prefer to be treated by a medical practitioner of one's choice. There is psychological element involved. If so and so is one's family doctor, he or she would like to consult him first even if there are far better professionals available. If an undertrial prisoner is willing to bear the cost that may be incurred in the process, he need not be denied the facility. Of course, we do not acknowledge this as an absolute right. There could be cases when shifting an undertrial to a private institution may have security implications. But when no prejudice would be caused, an undertrial prisoner is entitled to seek treatment at the hands of a medical practitioner of his choice and in an institution in whose ambience he is more comfortable. The authority or Court, as the case may be, can restrict the period of such treatment.



9. We made it clear to the learned Senior Counsel for the writ petitioner that the cost of escort and other arrangements will have to be borne by the petitioner. And that the funds therefor have to come from an independent source. We stipulated this condition to address the concern expressed by the counsel for the impleaded respondent. The learned Senior Counsel submitted that one Arul Raman S/o Dhanasekar, who is a friend of the writ petitioner would bear the cost of treatment as well as the cost of providing police escort.

10. As already noted, we are not granting bail. We are only directing the prison authorities to shift the writ petitioner to a hospital. He continues to remain in custody. Instead of the prison cell, it will be a hospital room. There will be no other difference. The petitioner may mention the names of three hospitals, where he wants to take treatment and the authorities can choose one among them. Considering the nature of ailments from which the petitioner is suffering and the need to undergo two surgical procedures apart from the need to have physiotherapy, we are of the view interest of justice will be served by permitting the petitioner to take treatment in a private hospital for a period of ten weeks. During this period, the petitioner has to remain confined to the hospital premises. He can at best walk around. He cannot leave the institution where he has been admitted. A 24 hour escort in three or four shifts will monitor the petitioner. The cost of providing escort as well as the treatment cost will be borne by Mr.Arul Raman. The petitioner will not be permitted to use any mobile phone during this period. He can



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of course be visited by his friends and relatives. There will not be any restriction on this. It is also open to the prison authorities to stipulate any other condition which they deem fit. Shifting of the petitioner from the jail to the hospital will take place within a period of one week from the date of receipt of a copy of this order.

11. With the above directions, this writ petition is allowed. No costs. W.M.P. (CrI) No.413 of 2026 is ordered and W.M.P.No.414 of 2026 is closed.

(G.R.S.,J.) (V.L.N.,J.)
29-05-2026

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

KST

Note : Issue order copy on 02.06.2026

To

1. Deputy Superintendent of Police
Deputy Superintendent of Police, Economic
offences wing, Chennai.
2. The Superintendent of Police,
Office of the Superintendent of Prisons,
Central Prison, Cuddalore.



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**G.R.SWAMINATHAN J.
AND
V.LAKSHMINARAYANAN J.**

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