

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Sri. Anil.K. Bhaskar, Judge for NIA Cases

Friday the 12th day of August, 2022/ 21st Sravana, 1944

Crl.MP No.67 /2022

In

S C No.02/2021/NIA/KOC

Petitioner/Accused:-

Iyyappan @ Hari @ Ravanan(A-19) , Age-32/2022, S/o. T.Ganesan, Door No. 1/300, New Door No. 1/268/3, East Street, Thammanaickenpatti, Viridhunagar Taluk and District, Tamil Nadu

By Adv. Thushar Nirmal Sarathy

Respondent/Complainant:-

Union of India represented by National Investigation Agency, Kochi

**By Adv. Arjun Ambalapaatta
Public Prosecutor, NIA,Kochi**

This Criminal M.P coming on for hearing before me on 12.08.2022 and the Court on the same day passed the following:-

ORDER

1. The above application is filed on behalf of A19 Iyappan a remand prisoner, u/s.437 of Cr.P.C. for releasing him on bail purely on medical grounds.
2. The petitioner along with his co-accused are charged for the offences punishable u/s.120B, 120A, 122, 471 of IPC, S.27(1)(e) (IV) of Kerala Forest Act 1961, Sec.7 r/w 27(2) of Arms Act besides Secs.18, 18(A), 20, 38 and 39 of UA(P) Act, 1967.
3. The petitioner was arrested on 24.06.2022 and produced before this court on 25.06.2022 and from that date onwards he is in the judicial custody of this court. Initially he was remanded to High Security Prison, Viyyur.
4. Admittedly, petitioner is suffering from multiple ailments. At the time of the first remand itself, direction was given to the Jail Superintendent to provide proper medical

aid to the petitioner. Investigating Officer had earlier filed application for getting custody of the petitioner, but considering the submission made by the defence to avoid police custody since the petitioner is suffering from multiple ailments, the Investigating Officer limited his prayer for the interrogation of the petitioner from the jail itself. Later on, Jail Superintendent, High Security Prison, Viyyur, sought permission of this court to shift the petitioner to the Central Prison, Viyyur, wherein hospital/ward facility is available so that the Jail authorities will be able to provide better medical aid and effective treatment to the petitioner. Learned prosecutor doesn't raise any objection to this suggestion especially since both jails are in the same compound, but reserved her comments regarding the actual medical condition of the petitioner. This court allowed the request and the petitioner was shifted to Central Prison, Viyyur.

5. Now comes the bail application. It is stated that the petitioner is suffering from multiple serious ailments including Kidney and Heart disease. He is diagnosed with 'Renal Artery Stenosis'. This is a medical condition marked with narrowing of arteries carrying blood to Kidney. Due to this petitioner is suffering with Sustained Hypertension (SHTN). Petitioner is also suffering with Grade III HT Retinopathy. Because of Hypertension petitioner has developed a medical condition called concentric LVH Positive. Petitioner is in need of proper medical care. If the petitioner is put into further imprisonment, it will definitely affect and deteriorate his health further.

6. Notice served to the Special Public Prosecutor.

7. When the petition was taken up for hearing, learned prosecutor submitted that, to get a correct analysis of the health condition of the petitioner, he shall be refer to a Medical board. Defence counsel also favoured referring the petitioner to a medical board for assessing the present health condition of the petitioner.

8. Since the petitioner is suffering from multiple ailments, and the present bail

application is filed purely on medical grounds but without any medical records regarding the prior treatments availed by the petitioner, I find it proper and necessary to obtain a report from a duly constituted medical board, so that this court will be in a better position to take a decision on the bail application filed by the petitioner.

9. Central Prison, Viyyur situates within the territorial limits of Government Medical College, Thrissur. Hence, it is better to give a direction to the Medical Superintendent of Thrissur Medical College to constitute a medical board to examine the petitioner and to submit a report.

In the result, following orders are passed:-

- a) The Medical Superintendent, Government Medical College, Thrissur is hereby directed to constitute a medical board to examine the petitioner and to report in detail about the multiple ailments the petitioner is said to be suffering from, and also the present health condition of the petitioner, the mode of treatment required and all other related aspects.
- b) The Jail Superintendent, Central Prison, Viyyur shall make a formal request in this regard to the Medical Superintendent, Government Medical College, Thrissur together with a copy of this order and all the available medical records of the petitioner.
- c) The Jail Superintendent, Central Prison Viyyur shall produce the petitioner before the Medical board constituted by the Medical Superintendent, as on the date fixed for the examination.
- d) The Medical Superintendent, Government Medical College, Thrissur shall complete the whole process and submit the report to this court at the earliest not later than three weeks from the date of receipt of the request made by the Jail Superintendent.

- e) Forward a copy of this order to the Medical Superintendent, Government Medical College, Thrissur and the Jail superintendent, Central prison, Viiyur both by email and post.
- f) Issue free copy of the order to both sides.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 12th day of August, 2022.

Appendix: Nil

Sd/-
Anil.K.Bhaskar
Judge, Spl. Court for NIA Cases

Id/-
Judge, Spl. Court for NIA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.