

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

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

Monday the 3rd day of October, 2022/ 11th Aswina, 1944

Crl.M.P. No.67/2022

In

SC.02/2021/NIA

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 03.10.2022 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. Admittedly, petitioner is suffering from multiple ailments. Both sides preferred examination of petitioner by a Medical Board. Accordingly, this court by its order dated 12.08.2022 had given a direction to the Medical Superintendent of Thrissur Medical College 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, the present health condition of the petitioner and the mode of treatment required and all other related aspects.
3. In compliance of the said order a special medical board was

constituted consisting of professors attached to General Medicine, Nephrology, Neurology, Orthopedics, Cardiology and ophthalmology.

4. The impression expressed by the medical board is that of young hypertension (poorly controlled), Cerebrovascular accident left Hemiparesis and the secondary cause of young stroke and hyper tension is to be ruled out. According to medical board it needs further evaluation. **CT Angio of renal artery along with arch vessel angiogram** was suggested by the Medical Board.

5. Learned prosecutor submitted that these tests are to be conducted for arriving a final opinion and only after that the court can decide whether situation demands exercising the extra ordination jurisdiction available to the court for granting bail on medical grounds. The defence doesn't oppose the said submission. They also preferred conducting those prescribed tests and to get a final opinion from the doctors on the basis of the result of those tests.

6. The submission made by the learned prosecutor is quite reasonable. It is only in extra ordinary cases the court can grant bail on medical grounds. To exercise the discretion there must be reliable medical reports before the court. Therefore, I find it proper to give a direction to the Medical Superintendent, Govt. Medical College, Thrissur to subject the petitioner to the prescribed test and to get a final medical opinion from the doctors and forward it to this court.

In the result, the following orders are passed.

- a) The Medical Superintendent, Government Medical College, Thrissur is hereby directed to subject the petitioner to undergo **CT Angio of renal artery along with arch vessel angiogram** and then to forward a final

medical opinion about 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.
- c) The Jail Superintendent, Central Prison Viyyur shall produce before the Medical College Thrissur as on the date fixed for undergoing CT Scan.
- 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, Viyyur 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 03rd day of October, 2022.

Appendix: Nil

//True Copy//

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

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

Sd/-
Sheristadar