
(1997) 04 MAD CK 0111

In the Madras High Court

Case No : Criminal O.P. No. 3190 of 1997 etc.

Sasikala Natarajan and Another

APPELLANT

Vs

Enforcement Officer, Enforcement Directorate

RESPONDENT

Date of Decision : 21-04-1997

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 167(2), 173(8)

Citation : (1997) 2 CTC 585

Hon'ble Judges : Rengasamy, J

Bench : Single Bench

Advocate : B. Kumar, for the Appellant; K. Kumar, for the Respondent

Judgement

Rengasamy, J.—These are the third successive bail petitions filed by these petitioners, who are facing the charges for the offence u/s 8(1)

read with Section 68(1) of the Foreign Exchange Regulation Act, hereinafter to be referred to as F.E.R.A. Their last petitions CrI.O.P. Nos. 780

and 781 of 1997 were dismissed by this Court on 11.2.1997. Thereafter now, they have filed these petitions seeking bail.

2. J.J. T.V. Private Limited was a telecasting company for which the petitioner Sasikala Natarajan was the Chairperson and the other petitioner

Baskaran her nephew, was the Managing Director. The respondent Enforcement Directorate would allege that there was foreign exchange

violation to the tune of Rs. 2.6 Crores in the broadcasting activity of J.J. T.V. Private Limited. According to the respondent, it came to light that

previously for hitting transponder and uplinking facilities, certain amounts were paid to M/s. Subicbay, Philipines and also M/s. Rimsat, U.S.A. for

the period from December, 1994 to April, 1995 for which proceedings were initiated against these petitioners and when the petitioners were in

custody, it came to be known that for the period from February, 1996 to May, 1996, Appoofezzpont (Pte) Ltd., Singapore to the tune of

Singapore Dollars 5,66,160 to M/s. Intersputnik, Moscow and to the tune of Singapore Dollars 49,000 to M/s. Singapore Telecom, Singapore,

totalling to Singapore Dollars 6,15,160 which is equivalent to Indian Rupees 2.6 Crores, towards the transponder hiring charges. Thereafter, the

petitioner Sasikala Natarajan was arrested formally on 2.12.1996, while she was in custody and the other petitioner Baskaran was arrested on

3.12.1996. As the bail petitions filed by the petitioners before the Additional Chief Metropolitan Magistrate, Egmore, Madras, were dismissed,

they moved this Court in CrI.O.P. Nos. 9802 of 1996 and 182 of 1997, which were dismissed by this Court on 24.12.1996 and 24.1.1997

respectively. The SLP filed before the Supreme Court by Mrs. Sasikala Natarajan was also dismissed. Thereafter, for the second time, both the

petitioners filed the bail petitions CrI.O.P. Nos. 780 and 781 of 1997 before this Court and they also were dismissed on 11.2.1997. Both of them

took the matter to the Apex Court and the SLP filed before the Supreme Court by Mrs. Sasikala Natarajan was dismissed on 3.3.1997 and the

other SLP filed by the petitioner Baskaran was dismissed as withdrawn.

3. Mr. B. Kumar learned counsel appearing for the petitioner, argued at length mainly on four grounds for the release of the petitioners on bail. The

grounds are (i) sixty days have lapsed now after the filing of the memo for further investigation, (ii) as the offence alleged is not very serious falling

within the category mentioned in Section 437(1), Code of Criminal Procedure, the Court need not be strict in granting bails to these petitioners, (iii)

the Court has given reasonable time for investigation and therefore the respondent cannot gain time under the guise of investigation to prevent the

petitioners from availing the bails, and (iv) the illness of the petitioners Mrs. Sasikala Natarajan.

4. So far as the first ground is concerned, it was submitted by the learned counsel for the petitioners that the respondent had filed the final report in

this case even on 29.1.1997 before the Additional Chief Metropolitan Magistrate (Economic Offences), that thereafter, they filed a memo on

6.2.1997 u/s 173(8), Code of Criminal Procedure stating that as fresh information has been received by them, they are proceeding with the further

investigation, that though sixty days have lapsed as on 5.4.1997. till today, they have not filed the further report, that when Section 167(2), Code of Criminal Procedure prescribes time limit for detention of the person during investigation, even applying that principle in this case as 60 days is the time limit to detain a person during the time of investigation and this period has already expired, the petitioners cannot be detained further. The original final report was filed within 60 days that is on 29.1.1997 as mentioned earlier and therefore, Section 167(2), Code of Criminal Procedure cannot be invoked in this case. The respondent Enforcement Officer, after the filing of the final report, informed the Court that in view of the fresh information they received, they are taking up the investigation u/s 173(8), Code of Criminal Procedure on the fresh materials. According to the respondent Enforcement Officer, this further investigation, which they started in February 1997, is not yet completed due to various reasons and therefore, they could not file the further report in this matter and the bail was opposed both in the last occasion when the previous petitions were disposed of and also now, on the same ground viz., that the further investigation is in progress in foreign countries and therefore, the petitioners should not be released on bail.

5. The learned counsel appearing for the petitioners argued that even though Section 173(8), Code of Criminal Procedure permits for further investigation, the investigating agency cannot take their own time to complete the investigation when especially the accused person is in custody and the principle laid down in Section 167(2), Code of Criminal Procedure, i.e., the detention of the accused person not more than 60 days during the time of investigation before the filing of the final reports, has to be followed for the further investigation also, that the respondent Enforcement Officer is bent upon opposing the bails only with the sinister motive for prolonged detention of the petitioners because though they previously initiated R.R. Nos. 7696 of 1996 and 109 of 1996 against these petitioners on 20.6.1996, they purposely failed to refer to the present allegation at that time, but when the Advisory Board set aside the detention, on the next day, these petitioners were arrested for these cases and from this conduct of respondent, there is no bona fide in their objection to release the petitioners on bail. The learned council for the petitioners would

submit that though there is no direct decision on the point with regard to the detention period while the further investigation was going on u/s

173(8), Code of Criminal Procedure, the policy expressed in Section 167(2), Code of Criminal Procedure makes it very clear that the legislature

has intended to fix a time-limit for the investigations and therefore, when the detention before the filing of the final report itself is time bound, the

same principle is applied for the further investigation also, for the reason that Section 167 and 173 of Code of Criminal Procedure all fall under

Chapter XII of Code of Criminal Procedure and when the procedure for investigation is prescribed under this Chapter with a direction not to

detain a person more than 60 days for these types of cases during the investigation stage, the same logic cannot be watered down for the further

investigation u/s 173(8), Code of Criminal Procedure and therefore, the time has to be reckoned to detain the petitioners for 60 days from the date

of the memo filed by the respondent on 6.2.1997. The learned counsel Mr. B. Kumar has cited a series of decisions to draw analogy in support of

his argument. He referred to the decision in J. Muthukrishnan and Another, etc. Vs. The State, in which it is held that cognizance of an Offence

could also be twice, that is for the first time when the preliminary report was filed and the next when the final report was filed. According to the

learned counsel as the cognizance is recognized on the final report also, the investigation subsequent to the preliminary report also falls within the

category of Section 167(2), Code of Criminal Procedure to reckon the time from the date of further investigation. He refers to the decision in State

of Rajasthan v. Aruna Devi, 1995 S.C.C.1 wherein the final report was received from the police stating that the complaint was false and the same

was accepted by the Magistrate but another report was received from the same police on the further investigation as directed by the

Superintendent of Police and the Court has taken cognizance on the final report and when the cognizance has been made by the Court on the

second report, the investigation in the second report also was considered only u/s 167(2) though it was a separate investigation after the first

report. Yet another decision relied upon by him is Matabar Parida, Bisnu Charan Parida, Batakrushna Parida and Babaji Parida Vs. The State of

Orissa, wherein the Apex Court has observed in paragraph 8 of the judgment that in view of Section 167(2), Code of Criminal Procedure, the

intention of the legislature seems to be to grant no discretion to the Court and to make it obligatory for it to release the accused on bail within 60

days or 90 days as the case may be and the learned counsel Mr. B. Kumar would submit that as observed by the Apex Court, the legislature has

expressed a fixed time to the remand prisoners for detention and it cannot be violated under the guise of further investigation after the final report

by prolonging the period more than the time fixed u/s 167(2), Code of Criminal Procedure, and therefore, the petitioners in these cases cannot be

detained beyond 60 days from the date of the memo for further investigation. The learned counsel Mr. Kumar contended that for every

investigation during the remand period, there should be a time limit which has been expressed by the Apex Court in *Union of India v. Tamlilarasi*,

1995 S.C.C.(Cri.) 665 wherein the Apex Court, while considering the applicability of Section 167(2), Code of Criminal Procedure to Narcotic

Drugs and Psychotropic Substances Act, has held,

...There is clear mention of Section 167, Cr.P.C., in the NDPS Act for the exercise of this power. Ordinarily, there must also be an outer limit

prescribed by specification of the total period of permissible remand during investigation. This too is provided in Section 167 to exclude merely

this part of Section 167, an express provision in the statute was necessary...

According to the learned counsel for the petitioners, as the Apex Court has expressed that for every investigation during the period of remand,

there must be an outer limit fixing the time, Section 167(2), Code of Criminal Procedure has to be adopted for the investigation u/s 173(8), Code

of Criminal Procedure also as no separate time is fixed under the latter provision. The learned counsel Mr. B. Kumar, would submit that in *Oliver*

Fernando P.T. v. Assistant Collector of Madras, 1990 L.W. (Cri.) 357 the Division Bench of this court has expressed that even though Section 37

of the N.D.P.S. Act, cannot restrict the powers of the High Court to grant bail to the accused persons, by virtue of Section 439, Code of Criminal

Procedure, still the High Court should not ignore the limitations altogether laid down u/s 37 of the Act intended to serve a specific purpose of

preventing the trade in narcotic drugs, which is causing havoc and health of the country and therefore, when the Parliament thought that such

offenders should be dealt with rigorously, they should not be allowed to move

freely and therefore, while considering the bail petitions, the object of the Act also has to be kept in mind, the learned counsel would, therefore, submit that even if there is no specific provision to delimit the periods of detention during the investigation u/s 173(8), Code of Criminal procedure, as held in the above decision, the object of the Code has to be reflected and followed in the order and it cannot be deviated under any circumstances. So, on the basis of these analogies, whether preliminary investigation or further investigation, according to the learned counsel Mr. B. Kumar, a time limit is inevitable otherwise the investigating agency will take their own time to complete the investigation keeping the remand prisoner in the custody and as expressed above, when the legislature has taken this power from the Court by fixing a time limit, the mandate of the Code of Criminal Procedure is that these petitioners are entitled to be released on bail otherwise it will offend the Articles of the Constitution, which guarantee the personal liberty of individuals.

6. But, Mr. K. Kumar, learned Special Public Prosecutor (FERA), appearing for the respondent, submitted that Section 173(8), Code of Criminal

Procedure is a Special Provision enabling the prosecuting agency to continue the investigation even after the filing of the final report and further

investigation is taken up on the fresh information, that when fresh information continues to pour in, in different times, a time limit cannot be fixed for

the investigation during the time of remand of the prisoner and when the Code has not fixed a time limit, the court cannot fix a time limit for the

detention for the petitioners and therefore, the argument of the learned counsel for the petitioners carries no weight. He would further argue that

when there is no statute imposing a time limit for a particular matter, it has to be taken that the Legislature did not intend to fix a time limit for such

matters and therefore, in this case, 60 days cannot be reckoned for the detention of the petitioners from the date of the memo filed for further

investigation. The learned Special Public Prosecutor relied upon the famous decision of the Apex Court in S.P. Gupta v. Union of India, 1981

S.C.C. 87. The Apex Court, in paragraph 273 would mention:-

(5) Where the scheme of a statute clearly shows that certain words or phrases were deliberately omitted by the legislature for a particular purpose

or motive, it is not open to the court to add those words either by confirming to

the supposed intention of the legislature or because the insertion or the omission suits the ideology of the Judges deciding the case. Such a course of action would amount not to interpretation but to interpolation of the statutory or constitutional provisions, as the case may be, and is against all the well-established canons of interpretation of statutes.

So, in the view of the learned Special Public Prosecutor, when the legislature has not fixed a time limit for detention, the Court cannot import the supposed intention of the legislature to suit the ideology of the petitioners and the Courts are expected to interpret the statute as found in the statute books and in this case, as Section 173(8) Code of Criminal Procedure does not reflect the period of detention during the further investigation, it will not be sound to argue to go against the express provisions of the Code.

7. On a comparative reading of Section 167 and Section 173(8), Code of Criminal Procedure, we are able to see that the legislature had thought it fit to fix a period for detention of the remand prisoners during the time of investigation for the offence alleged in the First Information Report. At that stage the basis for the investigation is from the details furnished in the First Information Report and as the legislature thought that during such investigation, there shall not be any hindrance from the accused, it felt that 60 days or 90 days, as the case may be, will be a reasonable period to complete the investigation and therefore, the accused were permitted to be detained upto 60 days or 90 days according, to the nature of the crime.

But, after the investigation, when the final report is filed u/s 173(2), Code of Criminal Procedure, it is presumed that the prosecution has taken sufficient steps to gather all particulars relating to the occurrence and therefore, they had filed the final report enabling the Court to take cognizance of the offences. But when new facts come to light after the final report relating to the offence for which final report has already been filed, the investigating agency cannot remain closing their eyes or unfazed as to the emerging new facts or ignoring them brushing aside, as their duty was over with the filing of the final report. As the guilt of the accused has to be proved before the Court, Section 173(8), Code of Criminal Procedure comes into action permitting the investigating agency to once again swing into action to garner all facts that have come to surface relating to the offence. Such new facts coming after the final report will be very rare and

occasional because the prosecution would have left no stone unturned during their investigation before the filing of the final report. Therefore, if any new information has come to light, it must have been cleverly suppressed and clandestinely concealed without reaching the strategy or sleuth of the investigation. Therefore, naturally, it may take some time to unearth the whole facts that were concealed erstwhile or some times, a series or a chain of new facts may come out at different intervals necessitating the investigating agency to probe the matter on each information un-interruptedly for which if the accused is released on bail, applying Section 167(2) of the Code, it may obliterate or mislead the course of investigation. Probably, realising this situation and the difficult task to the investigating agency after the filing of the final report, the legislature might have thought it fit not to restrict the period of detention during such type of investigation. Therefore, I also feel that when there is no express provision in the Code, we cannot limit the period of remand during such investigation stage u/s 173(8), Code of Criminal Procedure. Hence, the argument of the learned counsel for the petitioners for the entitlement of the petitioners for bail after 60 days from the date of the memo for further investigation, is not acceptable.

8. The next line of argument leveled is that as the offence alleged is not so serious equated to capital offences, the grant of bail may not be viewed

seriously, for this the learned counsel for the petitioners Mr. B. Kumar relied upon a decision of the Apex Court in Gurcharan Singh v. State Delhi

Administration, AIR 1978 SC 179. The Apex Court has observed that the principle underlying Section 437 of the Code of Criminal Procedure is

towards the grant of bail except in cases where there appear to be reasonable ground for believing that the accused has been guilty of an offence

punishable with the death or imprisonment of life and also when there are other valid reasons to justify the refusal of bail. In paragraph 22 of its

judgment, the Apex Court observes,

In other non-bailable cases, the Court will exercise its judicial discretion in favour of granting bail subject to Sub-section (3) of Section 437,

Cr.P.C. if it deems necessary to act under it. Unless exceptional circumstances are brought to the notice of the Court which may defeat proper

investigation and a fair trial, the Court will not decline to grant bail to a person

who is not accused of an offence punishable with the death or imprisonment of life...

The decision in Chandraswami and Anr. v. Central Bureau of investigation, 1997 S.C.C. 14 also is relied upon by the learned counsel for the

petitioners. But in that case, the offences alleged are Section 120-B read with Section 420, Indian Penal Code. No doubt, the Apex Court in this

case also has expressed that an accused person might be released on bail, unless his case falls within Clauses (i) or (ii) Section 437(1) of the Code.

The accused persons therein were released on bail during the time of investigation and re-arrest was made after the charge sheet was filed and bail

was sought for during the trial, u/s 437(6) of the Code as evidence was not over within 60 days. So, it was observed that ordinarily a person

suspected of having committed an offence u/s 120-B and 420, Indian Penal Code would be entitled to bail as they do not fall within Clauses (i) or

(ii) of Section 437(1) Code of Criminal Procedure. However, the Apex Court has further expressed therein that,

... Of course, the paramount consideration would always be to ensure that the enlargement of such persons on bail will not jeopardize the

prosecution case...

Following the ratio held in Gurucharan Singh v. State Delhi Administration, AIR 1978 SC 129, the Delhi High Court also has held in Sukh Ram v.

State, 1996 4 Crimes 232 that, in non- bailable cases other than that where the person has been guilty of an offence punishable with death or

imprisonment for life, the Court will exercise its discretion in favour of granting bail subject to Sub-section (3) of Section 437 of the Code. In that

case, the offences alleged against the former Minister in the Union Cabinet are punishable u/s 120-B, Indian Penal Code and 13(2) read with

Section 13(1)(d) of Prevention of Corruption Act. The Delhi High Court has found that except for the alleged decoding of diaries, no further

interrogation of the petitioner appeared to be necessary and further as he had roots in the society, he deserved bail during the stage of investigation.

From the view taken in these decisions, the learned counsel for the petitioners Mr. B. Kumar submitted that there is no reason to deny bail to these

petitioners when they have not committed the offence punishable with death or imprisonment for life and the offences alleged against them cannot

be considered to be serious from the category of cases referred to in Section 437, Code of Criminal Procedure. But the learned Special Public

Prosecutor would submit that the economic offences are considered to be very serious in nature, even worse than the crime of murder and

therefore, there cannot be any leniency for granting bail to such persons. He has cited two decisions in support of his argument. The first decision is

State of Gujarat Vs. Mohanlal Jitmalji Porwal and Another, in which the view expressed by the Apex Court is,

5... The community or the State is not a persona non grata whose cause may be treated with disdain. The entire community is aggrieved if the

economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions

being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the

consequence to the Community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of

the community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar

crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest...

In a recent decision, the Apex Court in Devchand Kalyan Tandel Vs. State of Gujarat and another, would observe,

11...Smuggling has become a threat to the effective fulfillment of the objectives of foreign trade control. The extent of the leakage of revenue that

takes place through the process of tax evasion cannot be estimated. It has got serious deleterious effect on legitimate trade. Taxation Enquiry

Commission had suggested that stringent measures both legal and administrative should be adopted to minimise the scope of the evil. For the

purpose of achieving the desired objective Parliament came forward with insertion of Section 138-A into the statute book. Question of taking a

lenient view of the matter, therefore, does not arise. In view of large scale smuggling activities in the border area and large scale evasion of duty,

the country has faced severe economic imbalance. Notwithstanding, stringent legislation having been made it has not been possible to eradicate the

evil. Any leniency, therefore, in economic offences will send a wrong signal..

Even though this view was expressed while considering the sentence imposed upon the accused person the Apex Court has viewed that the economic offences are spoiling the economy of the country leading to several difficulties and therefore in such matter, the Court should not show any leniency. In *State Vs. Jaspal Singh Gill*, the Apex Court would mention that an accused should not be enlarged on bail in the larger interest of the State. As the economic offences are offences against the Nation itself, the view expressed in *Gurcharan Singh v. State Delhi Administration*, AIR 1978 SC 129 cannot be applied for such offences.

9. The third contention by the learned counsel for the petitioners is that the petitioner Sasikala Natarajan was only a Chairperson on record but without taking part in the affairs or administration of the company and further, sufficient time has been availed of by the respondent investigating agency to investigate this case for the last seven months, because question has been put to Sasikala Natarajan even on 20.9.1996 with regard to the affairs of the company for the period from 21.2.96 to 30.6.1996 and therefore, there is no justification for the respondent to say still that the investigation is not yet over and required further time to complete the investigation. He also would submit that even if the investigation is not yet completed by the respondent, the petitioners cannot tamper with the investigation as it is going on in a foreign country and the respondent also has not expressed the manner in which the investigation would be affected and further, the mere expression that they apprehended the interference in the investigation itself is not sufficient unless there is preponderance of probabilities for such apprehension. But the learned Special Public Prosecutor would submit that the respondent came to know about this offence only on 19.11.1996 but not on 20.9.1996 as alleged by the petitioners. In Question No. 4 put to the petitioner Sasikala Natarajan on 20.9.1996, they questioned the subsequent payments for the period from 21.2.1996 to 30.6.1996 to M/s. Rimsat, U.S.A. Therefore, it was argued for the petitioners that the respondent had started that investigation for his period even from 20.9.1996. It appears from the question, that the respondent was under the impression that the previous agreement with M/s. Rimsat, U.S.A., was in continuation upto June 1996 and that is why, the name of Rimsat is mentioned in the question. But the present offence is a

different one for payments to M/s. Intersputnik, Moscow, and M/s. Singapore Telecom, Singapore, through M/s. Appoofezzpint (Pte) Ltd. came

to be known to the respondent only on 29.1.1996 for registering the present case and the investigation has commenced only thereafter. This

contention of the respondent has been accepted by this Court in the previous order passed in Crl.O.P. No. 9802 of 1996. Therefore, it cannot be

stated that the respondent is investigating this case from 20.9.1996 itself. The learned Special Public Prosecutor would submit that the offence

committed by these petitioners has international ramification having its roots in different foreign countries, such as Singapore, Moscow, Malaysia

and Hong Kong and as the respondent investigation agency is receiving information at intervals, they have to visit those countries to gather the

details and particulars for which there are so many restrictions and restrains to go abroad and therefore, four months time is too short a period to

complete the investigations when especially the respondent/investigation agency is unable to get proper co- operation in foreign lands to probe the

information relating to this offence. The learned Special Public Prosecutor would further submit that the previous petitions filed by these petitioners,

Crl.O.P. Nos. 780 and 781 of 1997 were dismissed for the reason that the investigation was in progress and the enlargement of these petitioners

on bail would affect the investigation, that as the investigation is not yet completed, the view taken by this Court in the earlier petitions, is still

prevailing and as there are no change of circumstances, the petitioners cannot be released on, bail. The learned Special Public prosecutor further

submitted that one Kasim Sauqat Ali, who was also a Director and was acting as a Deputy General Manager of J. Jay TV Private Limited, residing

in Singapore, has now absconded and could not be traced, that another person by name Baskaran, who is also connected with the J. Jay T.V. has

absconded and if these petitioners are released on bail, the vital information that could be extracted from those persons, in the event of their arrest,

would be spoiled and therefore, when other accused are absconding, there is every likelihood of screening the evidence and tampering with the

investigation. He also would state that as the investigating agency has to visit different countries in connection with the information they received and

the time is insufficient to visit the different countries after obtaining the necessary permission, the respondent could complete the further

investigation.

10. I directed the respondent to produce the relevant files for my perusal to satisfy myself whether any investigation is in progress on the new facts.

The files were shown to me on 15.4.1997. The concerned officer, who attended the Court, brought to my notice three letters giving certain

information, those letters are dated 24.2.1997, 21.3.1997 and 23.3.1997. As the informations are highly confidential, I cannot express anything

about those documents but I can say that the letters bearing these dates carry certain information relating to this case implicating some more

persons also. Therefore, it cannot be stated that the respondent Enforcement Officer could have completed the investigation by this time. As the

Enforcement Directorate has to investigate about the facts relating to the informations on these dates and there are vital informations naturally, the

respondent apprehends the hampering of the investigation in the event of these petitioners being released on bail.

11. Even though the petitioners were arrested on 2.12.1996 and 3.12.1996 and they are in custody from more than four months, because of the

reasons mentioned above and the investigation is going on in foreign countries, the respondent is unable to file the additional charge sheet.

12. The last ground urged by the learned counsel for the petitioners Mr. B. Kumar is that the petitioner Sasikala Natarajan is undergoing treatment

in Hospital, that she has developed heart problem and she is extremely weak and therefore, she might be released on bail. The medical report

dated 28.2.1997 given by Apollo Hospital, Chennai, is also produced along with the typed- set. This report reads that she has congenital heart

disease and this abnormality essentially needs correction through the proven method of operative closure. In the previous order also, this aspect

has been considered. One important aspect to be borne in mind is that the petitioner Sasikala Natarajan filed a writ petition before this Court for

sending her to a private Hospital and this Court also has permitted for that. Thereafter, she was admitted in Apollo Hospital, Chennai, which is a

private hospital having renowned heart specialists. The petitioner Sasikala Natarajan herself has chosen this hospital as it is one of the best

hospitals in Asia. Therefore, as she herself has chosen this hospital and is undergoing treatment there, at present, the enlargement of the petitioner

Sasikala Natarajan on bail is not going to add any further advantage to her. Even if she is enlarged on bail, she will be in that hospital for her

treatment till the treatment was over. The incarceration of the petitioner Sasikala Natarajan has not in any way affected her treatment in the hospital

of her choice. But it is mentioned that the presence of the escort Police in the hospital creates a psychological fear in her mind and therefore, she

has not come to normally, this psychological fear may be there even if she is released on bail, because he is an accused in this case and she may feel

that she has to face that trial. Therefore, for the reason of this psychological fear, the bail cannot be granted. Further, the grounds urged also do not

help the petitioner Sasikala Natarajan for the grant of bail.

13. Taking into consideration of the materials placed before the Court and in view of the discussion above, the petitioners cannot be enlarged on

bail at this stage. Therefore, both these petitions deserve to be dismissed.

14. In the result, Criminal Petitions Nos. 3190 and 3296 of 1997 are dismissed.