



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3524 of 2022

C.C NO.152 OF 2018

(ON THE FILE OF THE PRINCIPAL SESSIONS JUDGE EC AND NDPS, CHENNAI)

R.AMMU

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
J-11 KANNAGI NAGAR POLICE STATION,  
CHENNAI.

[ RESPONDENT ]

For Petitioner : M/S.A.KRIPAKARAN, Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate ( CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections **8 (c) read with 20(b) (ii) (B) of the NDPS Act** in C.C. No. 152 of 2018 on the file of the Learned Principal Sessions Judge EC & NDPS Act, Chennai, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner submits that the petitioner is arrayed as Accused No.1 in C.C.No.152 of 2018 on the file of the Learned Principal Sessions Judge EC & NDPS, Chennai for the offences under section 8(c) read with 20(b) (ii) (B) of the NDPS Act. He would further submit that, when at the time the above said case was posted for trial on 16.09.2019, the petitioner was not in a position to appear before the trial Court and thereby, the learned **Presiding Officer** of the trial Court issued Non Bailable Warrant. Since, on 16.09.2019, due to COVID-19 Pandemic, the



petitioner is unable to appear before the trial Court and therefore the petitioner is before this Court for grant of Anticipatory Bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police raised objections stating that the NBW issued against the petitioner by the trial Court is on 16.09.2019, if these type of petitioners are granted anticipatory bail, they may try to abscond from the clutches of law.

5. The submissions made by the learned Counsel on either sides are considered.

6. Being an accused, if the Court issued NBW against her, it is her duty to go and surrender before the Court which issued NBW, immediately after knowing the details in respect of issuance of NBW. But, here it is a case that the petitioner failed in her duty and thereupon she is before this Court. Therefore, the reason stated for granting anticipatory bail, cannot be accepted and this Criminal Original Petition is liable to be dismissed.

7. The petitioner is directed to surrender before the trial Court (Learned Principal Sessions Judge EC & NDPS, Chennai) and file a petition **under Section 70(2) Cr.P.C.** within a period of two weeks from the date of receipt of a copy of this order. On such surrender and filing of the petition, the trial Court is directed to consider the said application (either to allow or dismiss) on the same day, without any adjournment.

-sd/-  
15/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE  
EC & NDPS, CHENNAI.

2 THE INSPECTOR OF POLICE,  
J-11 KANNAGI NAGAR POLICE STATION,  
CHENNAI.



3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. V.S.SENTHILKUMAR Advocate on payment of necessary  
charges

CRL OP.3524/2022

Date :15/02/2022

TA-02/03/2022