

(2015) 01 DEL CK 0319
In the Delhi High Court
Case No : Bail Application No. 72 of 2015

Abdulla

APPELLANT

Vs

State (Govt. of NCT of Delhi)

RESPONDENT

Date of Decision : 30-01-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438, 82
Penal Code, 1860 (IPC) — Section 120-B, 307, 34

Citation : (2015) 2 JCC 1065

Hon'ble Judges : Manmohan Singh, J

Bench : Single Bench

Advocate : M. Yusuf, for the Appellant; Ravi Nayak, APP and Ajay Singh, SI, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Manmohan Singh, J.—This is a petition filed by the petitioner seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No. 517/2014 Registered under Section 307/120-B/34 IPC at Police Station Darya Ganj, Delhi. The status report has been filed. It is clearly mentioned in the said report that on 17 January, 2015 the learned Metropolitan Magistrate had passed an order against the petitioner declaring him as a "proclaimed offender". In this context, learned APP for the State has referred a decision of the Supreme Court in the case of State of Madhya Pradesh Vs. Pradeep Sharma, (2014) 1 AD 382 : AIR 2014 SC 626 : (2014) 1 CCR 13 : (2014) 1 Crimes 70 : (2013) 15 JT 366 : (2014) 1 RCR(Criminal) 269 : (2013) 14 SCALE 626 : (2014) 2 SCC 171 : (2014) 3 SCJ 260 of the judgment reads as under:-

"12. From these materials and information, it is clear that the present Appellant was not available for interrogation and investigation and was declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no-question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is

absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail."

2. Learned counsel for the petitioner states that the petitioner intends to take necessary steps to challenge the order dated 17th January, 2015 passed by learned trial court on various grounds as stated in the present bail application. Let him do so in accordance with law.

3. As far as the present petition is concerned, I find force in the submissions made by learned APP for the State and I am not inclined to allow the same. The petition is accordingly dismissed. Dasti.