

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Order delivered on: 30th January, 2015

+ **Bail Appln. No.72/2015**

ABDULLA Petitioner

Through Mr. M. Yusuf, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr.Ravi Nayak, APP for the State along with SI Ajay Singh, PS Darya Ganj, in person.

CORAM:

HON'BLE MR.JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J.

1. 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.

2. The status report has been filed. It is clearly mentioned in the said report that on 17th 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 v Pradeep Sharma***”, AIR 2014 Supreme Court 626, para 12 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.”

3. 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.

4. 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.

5. The petition is accordingly dismissed. *Dasti*.

(MANMOHAN SINGH)
JUDGE

JANUARY 30, 2015