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

+ BAIL APPLN. 1494/2016

PRAVEEN KUMAR RAWAT Petitioner

Through Mr.Vikas Rohtagi, Adv.

versus

COMMISSIONER OF POLICE & ANR Respondent

Through Mr.Amit Chadha, APP with Insp.
Prem Chandra, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **27.07.2016**

Crl.M.A. 11287/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 1494/2016

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.58/2015, under Sections 420/466/468/471 IPC, Police Station Crime Branch, New Delhi.

An anticipatory bail application was filed by the petitioner before the Court of Session which was dismissed vide order dated 18.11.2015. Aggrieved by the same, the petitioner had approached this Court vide Bail Application No.2687/2015 which came up for hearing on 11.12.2015 and while passing a detailed order, this Court

was of the considered opinion that the petitioner did not deserve the concession of anticipatory bail.

Now the present fresh application for the grant of anticipatory bail has been moved. This Court is of the view that when the anticipatory bail has been dismissed by any particular Court that is final for the purpose of that Court. So, in the present case, the application dismissed by the Court of Session vide order dated 18.11.2015 was final for the purpose of anticipatory bail and similarly when this Court dismissed the anticipatory bail of the petitioner vide order dated 11.12.2015, it was final for the purpose of anticipatory bail. The ground urged by the counsel for the petitioner is that there is change in circumstance.

This Court is of the considered opinion that if anticipatory bail is dismissed by the Court of Session, then the remedy with the petitioner is to approach the higher court for the grant of bail or it is the choice of the petitioner to surrender to the Court of law to have regular bail. In the present case, the petitioner had approached this Court and this Court declined the anticipatory bail vide order dated 11.12.2015. Similarly, the remedy available with the petitioner is to approach the Hon'ble Apex Court for the grant of bail or have his other choice to surrender before the Court and get the regular bail.

The facts mentioned above are not in dispute. The only overt act by the petitioner is that neither has he approached the superior court for the grant of bail nor was he accessible to the law and he was successful enough to avoid the criminal system and arrest in the present case. The successful attempt not to appear before the Court or

the investigating agency cannot be taken as a ground for approaching the Court, the decision of which is final under Section 438 Cr.P.C. The petitioner cannot have the benefit of absconding from the legal system and filing the present application.

Consequently, the present application is dismissed.

P.S.TEJI, J

JULY 27, 2016
dd