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

+ BAIL APPLN. 97/2017

RAJNI GOSAIN

..... Petitioner

Through Mr.Avinash Lakhanpal, Adv.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through Mr.Ashish Dutta, APP with SI
Bhupender, PS Mianwali Nagar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **19.01.2017**

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.267/2010, under Section 420/34 IPC, Police Station Mianwali Nagar.

Undisputedly, the petitioner was declared Proclaimed Offender as of today by the virtue of order dated 06.01.2014 and then the bail for the grant of anticipatory bail was moved by the petitioner. In the present matter, the petitioner/accused was granted interim anticipatory bail vide order dated 29.09.2016 for a period of two months but despite the grant of anticipatory bail for a period of two months the petitioner did not surrender before the learned Magistrate rather after being absconding for 18 days, moved another application on 17.12.2016 for the grant of anticipatory bail which was declined on 17.12.2016. Since then one month has already elapsed but the

petitioner has moved the present application.

The Hon'ble Apex Court in the case of ***Lavesh v. State (NCT of Delhi) 2012 (132) DRJ 5 (SC)*** observed as under :

“From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and 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 is not entitled the relief of anticipatory bail.”

The above ratio regarding non-entitlement of anticipatory bail to an accused who is already a Proclaimed Offender has further been reiterated in the case of ***State of Madhya Pradesh v. Pradeep Sharma AIR 2014 SC 626*** in which it was observed that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.

It is matter of record that the petitioner had also moved Crl.M.C. 221/2017 for quashing the order declaring her Proclaimed Offender and the same has already been dismissed by this Court and the petitioner was declared Proclaimed Offender by the virtue of order dated 06.01.2014.

Keeping in view the conduct of the petitioner and the fact that the petitioner is Proclaimed Offender since January 2014 and she was not available for the purpose of arrest or investigation, charge sheet

was filed in the trial court, this Court does not find any ground to grant anticipatory bail to the petitioner.

Application is accordingly dismissed.

P.S.TEJI, J

JANUARY 19, 2017
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