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

+ BAIL APPLN. 729/2017 & CrI.M.A. 6668/2017 (exemption)

RAJ KUMAR @ RAJU LOHARI Petitioner

Through: Mr. K.Sunil, Adv.

versus

STATE Respondent

Through: Mr. Akshai Malik, APP for State with
SI Amit, PS Burari.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **24.04.2017**

The name of the petitioner in the company of the prime accused Rajesh Kumar figures in the FIR. The facts attributed in the FIR indicate he was a close associate of the said Rajesh Kumar. Rajesh Kumar was arrested during the investigation and investigation qua him appears to have been completed and chargesheet has already been filed. The applicant did not join investigation when required by the investigating officer. This has led to request being made by the investigating officer before the Metropolitan Magistrate to issue non-bailable warrants. The said non-bailable warrants also could not be executed as the petitioner evaded the process.

The learned Additional Public Prosecutor informs on instructions from the investigating officer that application for issuance of proclamation under Section 82 Cr.P.C. was filed on 22nd April, 2017 and the same has come up before the Magistrate on 28th April, 2017. The applicant was granted interim protection for a short period by the Court of Sessions by order dated 25th

February, 2017, since his daughter was to get married. The application for anticipatory bail, however, was dismissed twice by the court of sessions first by order dated 25.3.2017 and then by order dated 19.4.2017. The petitioner had earlier moved this Court with similar request for grant of anticipatory bail under Section 438 Cr.P.C. but chose to withdraw the same.

In the facts and circumstances where the applicant has been evading the process, refusing to join investigation all along, his role being such as requires custodial interrogation, it is not a fit case for anticipatory bail.

Dismissed.

R.K.GAUBA, J

APRIL 24, 2017

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