

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 367 OF 2018**

Niwas Madhusudhan Raut

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Aniket Nikam i/by Aashish Satpute for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.**

**DATE : 19<sup>th</sup> JUNE, 2018.**

**P.C.:-**

This is a subsequent Application for pre-arrest bail.

2           The earlier Application bearing Anticipatory Bail Application No. 1294 of 2016 preferred by the Applicant for pre-arrest bail was dismissed as withdrawn by this Court by its Order dated 6<sup>th</sup> October 2016.

Inspite of the said fact, till date the Applicant has not been arrested.

3           The learned APP submitted that the learned Judicial Magistrate, First Class, Vasai has already issued a proclamation under Section 82 of the Code of Criminal Procedure against the Applicant.

4           The Supreme Court in the case of Lavesb Vs. State (NCT of Delhi), (2012) 8 SCC 730, while reiterating the legal position has held that, *“when a person against whom a warrant had been issued and is absconding and/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.”*

          The said view has been followed in the case of State of Madhya Pradesh Vs. Pradeep Sharma, reported in (2014) 2 SCC 171, and it is further held 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.”*

5           In view of the above, the present Application does not deserve to be considered.

6           Application is accordingly rejected.

**(A.S. GADKARI, J.)**