

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 578 OF 2018**

Janardhan Durgaprasad Pandey

.....Applicant

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Omkar Mulekar for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent-State.

Ms. Amita Kattikrishnan for Respondent No. 2.

CORAM : A. S. GADKARI, J.**DATE : 4th DECEMBER, 2018.****P.C.:-**

The learned Special PP appearing for the Respondent No.2, submitted that in the present case, the proclamation under Section 82 of the Code of criminal Procedure has been issued against the Applicant.

2 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.”*

3 Facing with the said difficulty, the learned counsel appearing for the Applicant seeks leave to withdraw the present Application unconditionally, with liberty to surrender before the concerned Court on or before 11.00 a.m. of 7th December 2018.

4 Application is accordingly dismissed, as withdrawn with aforesaid liberty.

(A.S. GADKARI, J.)