

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.91/2018

Santosh Parashram Jadhav ..vs.. State of Maharashtra through PSO P.S.
Mahagaon, Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. F. T. Mirza, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 23, 2018

1. This is an application for anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.95/2015 registered with Police Station, Mahagaon, Dist. Yavatmal for an offence punishable under Sections 302, 307, 324, 323, 147, 148, 149 of the Indian Penal Code.

2. Heard Mr. F. T. Mirza, Advocate for applicant and Mr. V. A. Thakare, A.P.P. for non applicant-State.

4. At the outset, Mr. Thakare, learned A.P.P. for the non applicant-State raised a preliminary objection in respect of maintainability of present application seeking anticipatory bail. He submits that from the date of the commission of offence, the applicant is absconding. The charge-sheet under Section 299 of the Code of Criminal Procedure is filed against him. He submits that, even a proclamation is issued under Section 82 of the Code of Criminal Procedure

declaring the applicant as absconding. The learned A.P.P. further relied on a judgment in *State of Madhya Pradesh Vs. Pradeep Sharma*; reported in *AIR 2014 SC 626*.

5. In view of the fact that the applicant is proclaimed as an absconder, the preliminary objection taken by the learned A.P.P. is sustained.

6. The present application is not maintainable at all and hence it is dismissed as not maintainable and the applicant shall surrender before the Court, if he seeks the relief of bail.

JUDGE