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

+ CRL.M.C. 5174/2015

STATE (GOVT OF NCT OF DELHI) Petitioner
Through: Mr. Akshai Malik, APP with Insp
Nafe Singh, P.S. Seelampur.

versus

MOHSIN @ SHANU Respondent
Through: Mr. Rajiv Mohan with Mr. M.A.
Karthik & Mr. Tejasua Mehra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **30.07.2018**

On the application of the respondent in the context of FIR No.65/2015 of Police Station Seelampur, under Sections 302/307/34 IPC and Section 25 of Arms Act, the Sessions Judge by order dated 01.08.2015 admitted him to anticipatory bail. It appears by order dated 01.07.2015, the Metropolitan Magistrate having jurisdiction over the case had declared the respondent a proclaimed offender, he having failed to appear after proclamation under Section 82 Cr.P.C. has been issued and published.

In the face of the said order, the order of the Sessions Judge directing release of the respondent on anticipatory bail was wholly improper and uncalled for. The counsel for the respondent fairly concedes that the impugned order cannot stand the scrutiny of law and may be set aside. On instructions, he submits that the respondent

is ready and willing to appear before the Investigating Officer and join the ongoing further investigation under Section 173(8) Cr.P.C. The submission is recorded. The impugned order is set aside.

The petition is disposed of.

R.K.GAUBA, J

JULY 30, 2018
srb