

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1419 OF 2019

Imran Yunus Namakwala .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Tripti R. Shetty, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 148 of 2016 registered with the D. B. Marg Police Station, Mumbai, for the alleged offence punishable under Section 387 r/w 34 of the Indian Penal Code.

3. This is the second round of litigation. It appears that the Applicant had filed an Application seeking pre-arrest bail in 2016 i. e. Cri. ABA No. 1506 of 2016. This Court (Coram : Smt. Sadhana S. Jadhav, J.) vide order dated 10.03.2017 rejected the said Application on

merits. The said order is on page No. 162 of the Application. It is not in dispute that being aggrieved by the said order dated 10.03.2017, the Applicant approached the Apex Court and the Apex Court dismissed the Applicants' SLP vide order dated 09.08.2017. The said order is on page No. 172 of the Application. It is not in dispute that proclamation was issued in the said case as against the Applicant on 19.08.2017.

4. Learned APP relies on the Judgment of the Apex Court in the case of *Lavesh Vs. State (NCT of Delhi)*, reported in *(2012)8 Supreme Court Cases 730*, in particular para 12 of the said Judgment. The Apex Court has in para 12 observed that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and is declared as a proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.

5. Considering the aforesaid, no case is made out for grant of Anticipatory Bail to the Applicant. Hence, the Application stands rejected.

6. If an Application for regular bail is filed, the same shall be

considered on its own merits.

(REVATI MOHITE DERE, J.)