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

+ **BAIL APPLN. 453/2019**

ABHINAV SINGH

..... Petitioner

Through: Mr. Abhey Kumar, Advocate with
Mr. Ashok Kumar Verma, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with WSI Sunita Maan, PS Hauz
Khas.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.03.2019

By the present petition under Sections 438 and 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) the petitioner prays for release on anticipatory bail in the context of first information report (FIR) No.36/2017 under Sections 376-D/328 of Indian Penal Code, 1860 (IPC) of Police Station Hauz Khas. The petitioner had earlier approached this court by bail application No.2473/2017 on which he was granted some protection for certain period subject to compliance with certain directions about his joining investigation, the said application having been withdrawn and dismissed accordingly by order dated 12.10.2018. The petitioner thereafter moved bail application No.199/2019 before the court of sessions, his said application having been dismissed by order dated 24.01.2019.

The status report and documents on record reveal that the petitioner had made himself elusive for the investigating agency and this led to duress

process being issued against him by the Metropolitan Magistrate at the instance of the investigating officer, he eventually having been declared proclaimed offender by order dated 09.08.2017. After the said declaration the police submitted report under Section 173 Cr.P.C. seeking action in accordance with Section 299 Cr.P.C. Noticeably, in the said report offence under Section 174-A IPC was also added on account of he having absconded wilfully. The petitioner has not appeared before the Metropolitan Magistrate in the said case till date.

Against the above backdrop, the prayer for anticipatory bail cannot be granted. The petitioner is duty bound to appear before the jurisdictional court having *seisin* over the case pursuant to proclamation under Section 82 Cr.P.C.

With these observations, the petition is dismissed.

R.K.GAUBA, J.

MARCH 20, 2019

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