

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2711 OF 2024

Dinkar Tukaram Dabhade ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Ashish Kachole i/b. Mr. Ganesh Darandale for Applicant.
Ms. R. V. Newton, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 07, 2024

P.C. :

. This is an application seeking anticipatory bail in connection with FIR No.0361 of 2023 dated 15.08.2023 registered with Kagal Police Station, District - Kolhapur, for offences under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC).

2. At the outset, Ms. Newton, learned APP points out that in the light of an order dated 17.02.2024 passed by the Judicial Magistrate First Class, Kagal under Section 82 of the Code of Criminal Procedure, 1973 (Cr.P.C.), directing publication of proclamation about the applicant being an absconding person, the present application itself is not maintainable.

3. This Court finds substance in the contention raised on behalf of the applicant in the light of the position of law that has been clarified and reiterated by the Supreme Court in various orders, including order dated **07.10.2021** passed in **S.L.P. (Criminal) No.7358 of 2021** (*Sanatan Pandey Vs. State of Uttar Pradesh and another*), as also in the case of *Prem Shankar Prasad Vs. State of Bihar*, **AIR 2021 SC 5125**, followed by this Court in the case of *Shankarrao Anantrao Shinde Vs. State of Maharashtra* (order dated **21.08.2024** passed in **Anticipatory**

Bail Application No.2150 of 2024).

4. In the light of admitted position about issuance of proclamation under Section 82 of the Cr.P.C. against the applicant in terms of order dated 17.02.2024 passed by the Judicial Magistrate First Class, Kagal, it is held that the present application is not maintainable. Accordingly, it is dismissed.

(MANISH PITALE, J.)

Minal Parab