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

## CRIMINAL WRIT PETITION NO.3270 OF 2025

Babu Bhau Bhagat

...Petitioner

vs.

State of Maharashtra

...Respondent

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|                      |                          |
|----------------------|--------------------------|
| Mr. R.D. Suryawanshi | Advocate for Petitioner. |
| Smt. S.E. Phad       | APP for State.           |

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**CORAM : S. M. MODAK, J.**  
**DATE : 7 AUGUST 2025**

### P. C. :-

1. Heard learned Advocate Mr. Suryawanshi for the petitioner and the learned APP.
2. He is one of the accused in an offence bearing C.R. No.34 of 2016 registered with Kasara Police Station. It is for the offences under Sections 302, 201, 364 and 120-B read with 34 of IPC. For some reason or other, Police could not arrest him. He has applied for anticipatory bail before the Court of Additional Sessions Judge, however, failed. His application was rejected on 5 September 2020. He

also took a chance before this Court. However, also failed. It was rejected on 12 October 2020. Non-bailable Warrant was issued however, it could not be served so also proclamation was issued against him as per the provisions of Section 82 of the Code of Criminal Procedure. There is a copy of order dated 26 September 2022 issued by the Court of J.M.F.C., Shahapur (page 44).

**3.** Mr. Suryavanshi has emphasized on some lacuna in that proclamation. The address of the petitioner is mentioned. The detailed address is not mentioned. This Court feels that this cannot be the reason for challenging the proclamation. Certain details are given in that order relating to the address of the petitioner. There is a report given by the local Crime Branch, Thane Rural dated 7 November 2022 addressed to the Court of J.M.F.C. thereby praying for issuance of proclamation.

**4.** It is no doubt true that the applicant is fully aware about exercising remedies by approaching the Court and it has failed twice. In such a situation, he could be justified in approaching the Apex Court or else surrendering before the Police. Nothing has happened, so prayers raised in the petition cannot be accepted. The Court cannot

protect the petitioner having such conduct. There is no merit in the petition. It is dismissed. The petitioner is directed to surrender before necessary authorities.

[S. M. MODAK, J.]