

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.515 OF 2015

IN

BAIL APPLICATION NO.126 OF 2015

SURESH MARUTI KAMBLE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Abhishek Yende, Advocate for the Applicant.

Smt.S.V.Gajare-Dhumal, APP for the Respondent – State.

Shri Vijay Chavan, Addl.Commissioner of Police, Navi Mumbai.

CORAM : ABHAY M. THIPSAY, J.

DATE : 22nd DECEMBER 2015.

P.C. :

1 Heard Smt.S.V.Gajare-Dhumal, the learned APP for the State. Heard Shri Abhishek Yende, the learned counsel for the applicant.

2 In view of the conflicting reports submitted by the Police authorities and the Prison authorities, the Additional Commissioner of Police, Navi Mumbai, was asked to hold an inquiry and submit his report. After going through this report and the previous reports, it would be proper to make the following observations :

- i) It would be the responsibility of the Police department to ensure production of under trial prisoners before the court. The blame attempted to be put, in that regard, on the Prison administration, is not justified and proper.
- ii) Whenever a case is for the purpose of framing of Charge or recording of evidence, physical production of the under trial prisoners before the court would be essential, and deemed production through video conferencing ought not be resorted to.
- iii) Whenever any superior court or even the trial court has directed a trial to be expeditiously held and such direction is communicated to the Police authorities, the Police authorities would be bound to produce the under trial prisoners in such cases, before the court, on all dates of hearing.

3 Since, in the instant case, the trial of the applicant is in
progress and I am informed that he is being regularly produced
before the trial court, further inquiry into the matter is dropped.

4 The inquiry is closed.

5 Criminal Application No.515 of 2015 stands disposed
of.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment / Order.**