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

CRIMINAL BAIL APPLICATION NO.918 OF 2018

Santosh Dhananjay Korde ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.R.V.Bansode, for the Applicant.

Mrs.P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th AUGUST, 2018

P.C. :

1. Heard learned counsel for the parties.
2. This is the third bail application preferred by the applicant. The first bail application of the applicant was rejected on merits vide order dated 30th March, 2016, and the second bail application preferred by the applicant was withdrawn by the learned counsel for the Applicant and as such was disposed of as withdrawn, vide order dated 12th April, 2017. Vide the said order, the trial of the Applicant was expedited and liberty was also

granted to the Applicant to renew his prayer for bail in the event the trial did not conclude within a reasonable period. The same is recorded in the order dated 12th April, 2017, passed in Criminal Bail Application No.503 of 2017.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.39 of 2015, registered with the Pusegaon Police Station, Satara, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.

4. At the outset, learned counsel for the applicant, does not press this application on merits. He, however, makes a bonafide grievance that the Applicant is not being produced before the trial Court on the dates given by the trial Court and submits that the learned Sessions Judge is also proceeding with the trial and examining the witnesses in the absence of the Applicant-Accused.

5. Learned APP submits that the Applicant is lodged in Kalamba Jail, Kolhapur and that the trial is being conducted in Satara District Court. She however, does not dispute the fact that the Applicant has not been

produced before the learned Sessions Judge, Satara, on the dates when the witnesses were examined in his case. Learned APP states that the Advocate for the Applicant and the Applicant's father is the same and therefore no prejudice will be caused to the Applicant.

6. Perused the papers. As far as merits are concerned, the learned counsel for the Applicant does not press this Application on merits. Vide order dated 12th April, 2017, the second bail application preferred by the Applicant was disposed of as withdrawn. However, the trial of the Applicant was expedited. Liberty was also granted to the Applicant to renew his prayer for bail in the event the trial did not conclude within a reasonable period.

7. Learned Counsel for the Applicant has produced a copy of the Roznama of the trial Court. A perusal of the Roznama shows that the Applicant had not been produced before the learned Sessions Judge, Satara on the dates when the witnesses were examined.

8. The Applicant is lodged in Kalamba Jail, Kolhapur, whereas

the Applicant's trial is going on in Satara. Considering that the Applicant's case is going on in the District Court, Satara, steps ought to have been taken by the prosecution as well as by the trial Court to have the Applicant shifted from Kalamba Jail, Kolhapur to Satara Jail, so that the Applicant-Accused could have been produced on the dates given by the trial Court. An Accused has a right to participate in the trial and as such be produced in person or through video conferencing, during the course of the trial. The learned Sessions Judge, Satara, ought to have taken steps to ensure that the Applicant is produced before the Court or should have taken steps to shift the Applicant from Kalamba Jail, Kolhapur to Satara Jail, so that Applicant-Accused could have been produced on the dates given by the trial Court.

9. Learned APP states on instructions that the Applicant will be shifted from Kalamba Jail, Kolhapur, to Satara Jail, within one week from today. Statement accepted.

10. The trial of the Applicant has already been expedited. The learned Sessions Judge to conclude the trial, as expeditiously as possible,

and preferably within six months from the date of receipt of this order. The learned Sessions Judge shall also ensure that the Applicant is produced on the dates given by the trial Court, so as to ensure a fair and just trial.

11. The Application is accordingly disposed of.
12. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)