

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2302 OF 2017

Harishchandra Subana Gudekar .. Applicant
Versus
State of Maharashtra

Mr. Yogesh Dynaneshwar Dalvi for applicant
Mr. S.R.Agarkar, APP for State

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 8th February 2018.

P.C.

1] This is the second bail application. First bail application being Bail Application No.1946 of 2016 of the applicant accused was rejected by this Court on 22nd February 2017. The applicant accused is facing charges under section 395, 397, 120(B) read with 34 IPC and the offence is registered under C.R.No.I-22 of 2016 at Pali Police Station.

2] Learned Counsel for the applicant/ accused relies upon the medical report dated 19th July 2017 given by the Chief Medical Officer, Taloja Central Prison wherein it is stated that the under trial

prisoner complains of right eye watering and low vision at night. The report further states that the treatment was given to him and he was referred to Ophthalmology OPD of Navi Mumbai Municipal Corporation Hospital, Navi Mumbai for ophthalmic opinion on various dates. It was directed by this Court to take the under trial to the hospital on some dates. However, it is reported that due to non availability of police guards the under trial could not be taken to Navi Mumbai Hospital.

3] This cannot be a ground to entertain this second application. Hence, this application is rejected.

4] However, it is the duty of the State to provide sufficient escort on the dates when the court has ordered about the production of reference of accused especially in Hospital. The Police Commissioner, Navi Mumbai Mr. Hemant Nagrale to take note that the escort personnel deputed for movements of the under trial prisoners should not be withdrawn. Non production of the under trial prisoners before the court causes delay in the trial so also non reference of the under trials to the hospital undoubtedly affects health and right of the prisoner to get medical treatment in time.

5] Registrar (Judicial) is directed to communicate this order to the Commissioner, Navi Mumbai and obtain necessary response. This particular under trial is to be referred to Navi Mumbai Hospital on 16th February 2018.

(MRS.MRIDULA BHATKAR, J.)