PRINCIPAL DISTRICT COURT: EAST GODAVARI AT RAJAMAHENDRAVARAM: DATED 12.03.2026

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Communicated the copy of Hon'ble High Court's letter in ROC.No.99/SO/2023, Dated 11.03.2026, to all the Judicial Officers working in the Unit of East Godavari with a request to comply with the directions issued in the Order dated 15.01.2026 of the Hon'ble Supreme Court of India passed in Miscellaneous Application No.2034 of 2022 in Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Criminal) No.5191 of 2021 **(Satender Kumar Antil V. Central Bureau of Investigation and another)**.

12.3.26

PRINCIPAL DISTRICT JUDGE.

To
All the Judicial Officers in the Unit of East Godavari with a request to follow the aforementioned order, without fail.

Copy to
The System Officer (I/c), Principal District Court, Rajamahendravaram with a direction to upload the same in the District Court's Official Website.

Dis. 2597
12.3.26.

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

ROC.NO.99/SO/2023 **Date.11.03.2026**

CIRCULAR NO. 02 /2026

Sub: Courts – Criminal -- Order dated 15.01.2026 passed in Miscellaneous Application No. 2034 of 2022 in Miscellaneous Application No. 1849 of 2021 in Special Leave Petition (Criminal) No. 5191 of 2021 ***(Satender Kumar Antil v. Central Bureau of Investigation and another)*** by the Hon'ble Supreme Court of India – Directed to ensure that all the Under Trial Prisoners are released either by giving the benefit of S.O.P. or by modifying the bail conditions –Reg.

Ref: Minutes dt.24.02.2026 of the Committee meeting of Hon'ble Judges for "Ensuring Implementation of the Decisions of the Apex court".

* * * * *

Communicate to all, to follow without fail.
11.3.26

The Hon'ble Supreme Court vide its order dated 15.01.2026 in (***Satender Kumar Antil v. Central Bureau of Investigation and another)*** M.A.No.2034 of 2022 and in M.A.No.1849 of 2021 in SLP (CRL) No.5191 of 2021, considered the District wise report of Andhra Pradesh with regard to release of UTPs and directed the High Court of Andhra Pradesh to ensure full compliance of direction (d) of the order dated 21.01.2025 wherein their Lordships ordered that the UTPs shall be given the benefit of S.O.P. or that the concerned Judicial Officers shall take steps to modify the bail conditions in order to give effect to their release from custody.

P-2904
11-3-26

The Hon'ble Committee which is constituted for "Ensuring the implementation of the directions of Hon'ble Apex Court" in the High Court of Andhra Pradesh having considered the direction of Hon'ble Supreme Court and after perusal of the reports regarding the pendency of cases relating to UTPs, directed the Judicial Officers to comply with the directions of Hon'ble Supreme Court vide order dated 13.02.2024 (copy of relevant portion of the order is appended herewith) in *stricto sensu* and ensure that all the UTPs are released either by giving benefit of SOP or by modifying bail conditions.

Therefore, all the Judicial Officers in the State of Andhra Pradesh are hereby directed to comply the directions of Hon'ble Supreme Court vide order dated 13.02.2024 and ensure that all the UTPs are released either by giving the benefit of SOP or by modifying the bail conditions.

REGISTRAR (JUDICIAL)

11/3/24.

To:

1. The Registrar (I.T. cum C.P.C.) with a request to direct the concerned to upload the said circular in the High Court's website.
2. All the Unit Heads in the State of Andhra Pradesh, with a request to cause circulation of the same among all the Judicial Officers working in their respective units.
3. The Member Secretary, A.P. State Legal Services Authority,H.No.2-273/54-A, B.S.R. Commercial Complex, Opp: Traffic Police Station, Malkapuram village, Tulluru Mandal, near A.P. Secretariat, Amaravati, with a request to pursue the matter through the Secretaries of respective D.L.S.As. in the State.

EC
11/3/24

2024 INSC 134

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MA NO. 2034 OF 2022
IN
MA NO. 1849 OF 2021
IN
SPECIAL LEAVE PETITION (CRL.) NO. 5191 OF 2021

SATENDER KUMAR ANTIL ... PETITIONER

VERSUS

CENTRAL BUREAU OF INVESTIGATION
AND ANR. ... RESPONDENTS

WITH
MA No. 2035 of 2022 in SLP (Crl.) No.5191 of 2021

ORDER

A. Heard learned Amicus, Mr. Siddharth Luthra, Senior Advocate Mr. Gaurav Agarwal for National Legal Services Authority (hereinafter referred to as "NALSA") and Additional Solicitor General of India, Ms. Aishwarya Bhati for the Union.

Signature Not Verified
Digitally signed by
Date: 2024.02.06
16:30:51 IST
Reason:

B. We have perused the compliance affidavits filed by the respective States, Union Territories, Central Bureau of Investigation and NALSA on the directions issued by

this Court in the Judgment reported in Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51 and the periodical orders passed therein. The learned Amicus having gone through these compliance affidavits in great detail has submitted a tabular chart and report dated 10.02.2024 indicating the directions that have been complied with by the parties present before us in terms of the judgment passed by this Court in Satender Kumar Antil (Supra) case.

C. For the comprehensive implementation of the directions in Satender Kumar Antil (Supra) case, the Amicus upon thorough study and verification of the details forcefully argues that certain directions fall within the domain of States/Union Territories/CBI, and High Courts and a few directions fall within the domain of both the States and the High Courts. Therefore, for effective monitoring by this Court it is completely desirable to combine the stake holders for reporting in a convenient way and are heard on a particular day.

D. The directions contained in para 100.2, 100.4, 100.7 of Satender Kumar Antil (Supra) and also the directions to public prosecutors in terms of order dated 21.03.2023 of this Court need top most attention and are required to be complied with by States, Union Territories and CBI as per the time schedule stipulated.

E. So far as the directions in para 100.2, 100.3, 100.5, 100.6, 100.7, 100.8, 100.9, 100.10, 100.11 of Satender Kumar Antil (Supra); the direction dated 03.02.2023 for inclusion of the judgment in Siddharth v. State of UP, (2022) 1 SCC 676 and Satender Kumar Antil (Supra) in the curriculum of judicial academies and the direction dated 21.03.2023 for application of the judgment in Satender Kumar Antil (Supra) to Section 438 of Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC"), by and large apply to High Courts. From a larger perspective, direction in a few paragraphs is complied with by both i.e. the States/Union Territories and High Courts, in consultation with each other. The suggestion of Amicus informs that directions individually obligated are carried out independently and where mutual consultation in complying with the directions is necessary, such consultation is undertaken and responsibility is fixed on one authority for due compliance.

F. The report dated 10.02.2024 is accepted by us in its entirety and therefore, now we issue directions for due compliance by the States/Union Territories/CBI and High Courts. For the sake of convenience, the directions to various States and Union Territories are issued and we wish to verify and deal with the compliance in the manner suggested by this Order.

1. **State of Andhra Pradesh -Directions to be complied with:**

(i) In terms of the direction contained in para 100.2, it is directed to provide the particulars of First Information Reports of cognizable and non-bailable cases in which the mandate of Sections 41, 41-A of CrPC and Arnesh Kumar v. State of Bihar and Anr., (2014) 8 SCC 273 has not been followed and consequently to provide the details of necessary actions that have been taken against erring police officers. Also, in terms of direction contained in para 100.2, information has to be provided as to whether the Standing Order is being complied with by Investigating Officers.

(ii) In terms of direction contained in para 100.7, it is directed that the State shall provide details of Special Courts constituted and the necessary steps taken for creation of Additional Special Courts and its stage.

(iii) Compliance with order dated 21.03.2023 passed by this Court:

(a) In terms of the above referred order, we direct the State to ensure that the prosecutors are stating the correct position of law as per the judgment passed by this Court in the case of Siddharth (Supra) and Satender Kumar Antil (Supra).

(b) To circulate the judgment passed by this Court in the case of Siddharth (Supra) and Satender Kumar Antil (Supra).

(c) To train and update the prosecutors on a periodical basis and provide details of the same.

1.1 High Court of Andhra Pradesh -Directions to be complied with:

(i) In terms of directions contained in para 100.2, there is a contrary stand that conditions in relation to Sections 41 and 41-A of CrPC and Arnesh Kumar (Supra) have been complied with, yet bail has been granted, therefore the High Court is directed to inform about clear instances of the same.

(ii) In terms of directions contained in para 100.5, there is part non-compliance in so far as insistence of bail application under Section 88 of CrPC, therefore, the High Court is required to inform on its compliance alone.

(iii) In terms of directions contained in para 100.7, details as to the number of Special Courts created and the need for creation of more Special Courts shall be provided.

(iv) In terms of directions contained in para 100.8 and 100.9, the High Court should inform this Court as to the steps taken for a list of identified prisoners who are unable to comply with bail conditions and why sureties are not being produced in many cases though bail stands granted, and what steps have been taken to alleviate this situation.

(v) In terms of directions contained in para 100.11, there is no adequate compliance and complete information with respect to some Courts, therefore needful be done in this regard.

(vi) In terms of direction contained in order dated 03.02.2023, the High Court should inform on compliance for inclusion of Siddharth (Supra) and Satender Kumar Antil (Supra) in the curriculum of judicial academy.

(vii) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

2. Union Territory of Andaman and Nicobar Islands -Directions to be complied with:

(i) In terms of direction contained in para 100.2, it is directed to provide the particulars of First Information Reports of cognizable and non-bailable cases in which the mandate of Sections 41, 41-A of CrPC and Arnesh Kumar (Supra) has not been followed and consequently to provide the details of necessary actions that have been taken against erring police officers. Also, in terms of direction contained in para 100.2, information has to be provided as to whether the Standing Order is being complied with by Investigating Officers.

(b) To train and update the prosecutors on a periodical basis and provide details of the same.

39. NALSA -Directions to be complied with:

(i) In terms of the order dated 02.05.2023, NALSA shall supply updated information with regard to para 100.8 and 100.10 in Satender Kumar Antil (Supra)

(ii) NALSA shall inform the follow-up action taken by NALSA and State Legal Services Authorities of the States and Union Territories as provided to NALSA by various authorities including the State governments and Union Territories.

(iii) In order to provide to this Court adequate updated information, we deem it appropriate to direct all the States and Union Territories to cooperate with NALSA.

G. In view of the above referred report and affidavits, we direct all the States, Union Territories, High Courts, Union of India, CBI and NALSA to file their updated compliance affidavits on the above referred aspects within a period of 8 weeks from today, and the learned Amicus upon perusal of the same shall file a report on these compliances in 2 weeks thereafter.

H. The matter will be listed on 07.05.2024, and we wish to take up this matter in a phased manner. The States and High Courts from serial numbers 1 to 10 will be taken up on 07.05.2024, and the monitoring as to due compliance by the remaining stake holders will be taken up subsequently in a staggered manner.

I. STANDARD OPERATING PROCEDURE (SOP)

(i) Ms. Aishwarya Bhati, learned Additional Solicitor General has invited our attention to a document titled as "Guidelines and standard operating procedure for implementation of the scheme for support to poor prisoners" and requested that the same may form part of record and the Order of this Court. The same shall be taken on record.

(ii) In furtherance of the subsequent orders passed by this Court on ancillary issues concerned with training public prosecutors and including judgments of this Court in the Curriculum of State Judicial Academies, we wish to further pass a direction on an SOP framed by Central Government. The SOP if put in place by the Central Government, will indeed alleviate the situation of under trial prisoners by way of establishment of a dedicated empowered committee and funds etc.

(iii) For the sake of convenience and for extending the benefit of this SOP to the under-trial prisoners, we wish to extract the SOP in its entirety in this

Order so that all concerned parties act in tandem to ensure due compliance of this SOP and the compliance thereof is incorporated in the next report.

"Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners

i) Funds to the States/UTs will be provided through the Central Nodal Agency (CNA). The National Crime Records Bureau has been designated as the CNA for this scheme.

ii) States/UTs will draw the requisite amount from the CNA on case-to-case basis and reimburse the same to the concerned competent authority (Court) for providing relief to the prisoner.

iii) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of i) District Collector (DC)/District Magistrate (DM), ii) Secretary, District Legal Services Authority, iii) Superintendent of Police, iv) Superintendent/ Dy. Supdt. of the concerned Prison and v) Judge incharge

of the concerned Prison, as nominee of the District Judge.

Note: This Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the DC/DM will draw money from the CNA account and take necessary action.

Note: The Committee may appoint a Nodal Officer and take assistance of any civil society representative/social worker/ District Probation Officer to assist them in processing cases of needy prisoners.

iv) An Oversight Committee may be constituted at the State Government level, comprising of i) Principal Secretary (Home/Jail), ii) Secretary (Law Deptt), iii) Secretary, State Legal Services Authority, iv) DG/IG (Prisons) and v) Registrar General of the High Court.

Note: The composition of the State level 'Empowered Committee' and 'Oversight Committee' are suggestive in nature. Prisons/persons de
therein being 'State-List" subject, it is propos SOP
the Committees may be constituted and not
the concerned State Governr
Administrations.

Standard Operating Procedur

UNDERTRIAL PRISONERS

1. If the undertrial prisoner is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority would inform Secretary, District Legal Services Authority (DLSA).

2. Secretary, DLSA would inquire and examine whether the undertrial prisoner is not in a position to furnish financial surety for securing bail in terms of the bail conditions.

For this, DLSA may take the assistance of Civil Society representatives, social workers/ NGOs,

District Probation officers or revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.

3. Secretary, DLSA will place all such cases before the District Level Empowered Committee every 2-3 weeks.

4. After examination of such cases, if the Empowered Committee recommends that the identified poor prisoner be extended the benefit of financial benefit under 'Support to poor prisoners Scheme", then the requisite amount upto Rs. 40,000/- per case for one prisoner, can be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the District Committee feels appropriate.

5. This benefit will not be available to persons who are accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS or Unlawful Activities Prevention Act or any other Act or provisions, as may be specified later.

6. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial Court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail U/s. 389 (3) Cr.P.C. in which event the amount can be utilised for bail by Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail U/s. 389 (1) of Cr.P.C.

7. If the bail amount is higher than Rs. 40,000/-, Secretary, DLSA may exercise discretion to pay such amount and make a recommendation to the Empowered Committee. Secretary, DLSA may also engage with legal aid advocate with a plea to have the surety amount reduced. For any amount over and above Rs. 40,000/-, the proposal may be approved by the State level Oversight Committee.

CONVICTED PRISONERS:

1. If a convicted person is unable to get released from the jail on account of non- payment of fine amount, the Superintendent of the Jail would immediately inform Secretary, DLSA (Time bound manner: 7 days).

2. Secretary, DLSA would enquire into the financial condition of the prisoner with the help of District Social Worker, NGOs, District Probation Officer, Revenue Officer who would be mandated to cooperate with the Secretary, DLSA. (Time bound manner: 7 days)

3. The Empowered Committee will sanction the release of the fine amount upto Rs. 25,000/- to be deposited in the Court for securing the release of the prisoner. For any amount over and above Rs. 25,000/-, the proposal may be approved by the State level Oversight Committee."

J. EMAIL ID

At last, the learned Amicus has suggested for creating a dedicated email id for the purpose of these proceedings pending before us so that the reports are saved or exchanged simultaneously. Considering the convenience of all parties present here, we accept the suggestion so made and accordingly give liberty to the learned amicus to create the email id, and circulate the same to all the counsel/parties. Email id shall be used hereafter for serving and receiving affidavits / reports.

.....J
(M. M. SUNDRESH)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
FEBRUARY 13, 2024