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04/09/2024

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 5293-5304 /DHC/Gaz/G-2/SC-Judgment/2024

Dated: 04th, 09, 2024

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

Office of Registrar General
High Court of Delhi, New Delhi
Diary No. 25462
Date 04/9/24
New Delhi District

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
3. The Principal District & Sessions Judge (South-West), Dwarka Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
5. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
6. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
7. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
8. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
9. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC, New Delhi.
10. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
11. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
12. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi..

ld. ce/judl.
JK
28/5/2024
4/9/2024
Subj: Order dated 06.08.2024 passed by Hon'ble Supreme Court of India in M.A No. 2034/2022 in M.A No. 1849/2021 in Special Leave Petition (Crl.) No. 5191/2021 titled "Satender Kumar Antil vs. Central Bureau of Investigation & Anr".
Mr. Committee Secretary
NA

Order dated 06.08.2024 passed by Hon'ble Supreme Court of India in M.A No. 2034/2022 in M.A No. 1849/2021 in Special Leave Petition (Crl.) No. 5191/2021 titled "Satender Kumar Antil vs. Central Bureau of Investigation & Anr".

Sir/ Madam,

I am directed to forward herewith a copy of order dated 06.08.2024 passed by Hon'ble Supreme court of India in M.A No. 2034/2022 in M.A No. 1849/2021 in Special Leave Petition (Crl.) No. 5191/2021 titled "Satender Kumar Antil vs. Central Bureau of Investigation & Anr", with the request to circulate the same amongst all the Judicial Officers working under your respective control for information and necessary compliance.

I am further directed to forward herewith a copy of order dated 13.02.2024 passed by Hon'ble Supreme Court of India in afore-said matter containing the SOP for UTP, with the request to ensure compliance of SOP for UTP, in those cases where no family member or friend is coming forward to stand as surety or furnish bonds on the behalf of the UTPs.

Received
on 5/9/2024 at 12-00 PM

I am further directed to forward herewith a copy of report dated 03.08.2024 (relevant part in respect of High Court of Delhi) filed by Amicus Curiae with the request to inform the action taken by the respective Court in cases (mentioned at para no. 2 of S. No. 9.1 High Court of Delhi page no. 40 of said report dated 03.08.2024) in which police stations have not complied with the mandate of S. 41A of Cr.P.C in the NCT of NCT of Delhi, in respect of their district (if any).

You are further requested to furnish a duly collated report in respect of your district, of non compliance of Para 100.2 or Para 100.3 of Satender Kumar Antil vs. CBI & Anr., for the period from 01.04.2024 to 31.08.2024, latest by 07.09.2024 and thereafter on monthly basis by 5th of every succeeding month, in prescribed proforma i.e Annexure-"A".

Yours faithfully,



(Satender Pal)
Joint Registrar (Gazette-III)
For Registrar General

Encl: As above.

[Faint handwritten notes and stamps in the bottom right corner, including a date stamp '16/09/24' and other illegible markings.]

ITEM NO.3

COURT NO.13

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 2034/2022 in MA 1849/2021 in SLP(Crl)
No. 5191/2021

SATENDER KUMAR ANTIL

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

[[TO BE TAKEN UP AT 2.00 P.M.]

MR. AKBAR SIDDIQUE, ADVOCATE (AC) Mr. V.N. Raghupathy, Advocate for high court of karnataka; Mr. Tapesk Kumar Singh, Advocate for high court of jharkhand; Mr. P.I. Jose, Advocate for gauhati high court; Mr. Arjun Garg, Advocate for high court of madhya pradesh; Mr. Amit Gupta, Advocate for high court of delhi; Mr. Sanjai Kumar Pathak, Advocate for high court of meghalaya; Mr. Sibho Sankar Mishra, Advocate for high court of Orissa, Mr. Abhimanyu Tewari, Advocate for State of Arunachal Pradesh, Mr. Somanadri Gaud Katam, Advocate for High Court of Telengana; Mr. Aaditya A. Pande, Advocate for the State of Maharashtra; Mr. Ankur Prakash, Advocate for the State of Uttarakhand; M/s Arputham Aruna, Mr. Debojit Borkakati, Advocate for the State of Assam, Mr. S.N.Terdol, Advocate for the State of Ladakh, Mr. Avijit Mani Tripathi, Advocate for the State of Meghalaya, Mr. Manish Kumar, Advocate for the State of Bihar, Mr. Mahfooz A.Nazki, Advocate for the State of Andhra Pradesh, Mr. Maibam N.Singh, Advocate for the High Court of Manipur, Mr. Prashant S.Kenjale, Advocate for the High Court of Bombay, Mr. Ajay Pal, Advocate for the State of Punjab, Mr. Gagan Gupta, Advocate for High Court of Andhra Pradesh, Mr. Nishe Rajen Shonker, Advocate for the State of Kerala, Mr. Suvendu Suvasis Dash, Advocate for the State of Orissa, Mr. Pradeep Mishra, Advocate for the State of Uttar Pradesh, Mrs. Swati Ghildiyal, Advocate for the State of Gujarat, Mr. Pukhrambam Ramesh Kumar, Advocate for the Government of Manipur, Mr. Abhay Anil Anturkar, Advocate for the State of Goa, Mr. Anupam Raina, Advocate for the High Court of Jammu, Mr. Sunny Choudhary, Advocate for State of Madhya Pradesh, Mr. Varinder Kumar Sharma, Advocate for High Court of Himachal Pradesh, Ms. K.Enatoli Sem, Advocate for State of Nagalanad, Mr. R.Ayyam Perumal, Advocate for State of Madras, Ms. Pallavi Langar, Advocate Govt. of Himachal Pradesh, Mr. Sameer Abhayankar, Advocate for State of Sikkim, Mr. Aravindh S. Advocate of U.T. Pudducherry, Ms. D.Bharthi Reddy, Advocate for High Court of Uttrakhand, Mr. Tapesk Kumar Singh, Advocate for High Court of Jharkhand, Mr. Gaurav Agarwal, Advocate for High Court of Patna, Mr. Aproo Kurup, Advocate for High Court of Chhatisgarh, Mr. Nikhil Goel, Advocate for High Court of Gujarat, Mr. Amit Sharma, Advocate for High Court of Tripura,, Mr. Sandeep

Kumar Jha, Advocate for State of Rajasthan,, Mr. Shailesh Mandiyal, Advocate for U.T. J and K, Ms. Surbhi Kapoor, Advocate for state of Goa, Dr. Monika Gusain, Advocate for State of Haryana, Mr. Shuvodeep Roy, Advocate for State of Tripura, Ms. Manish Ambwani, Advocate for High Court of Rajasthan, Mr. Kunal Chatterjee, Advocate for High Court of Calcutta, Mr. Rahul Gupta, Advocate for High Court of Punjab and Haryana, Mr. Aproov Shukla, Advocate for High Court of Allahabad, Mr. Nirnimesh Dubey, Advocate for state of Mizoram, Mr. Joseph Aristotle S. Advocate for State of Tamil Nadu, Mr. Vishal Prasad, Advocate for State of Chhattisgarh, Ms. Astha Sharma, Advocate for State of West Bengal, Mr. Raghuvendra Srivastava, Advocate for High Court of Karnataka, Mr. Rajiv Kumar Choudhary, Advocate for State of Telengana, Mr. S.N.Terdol, Advocate for State of Daman & Diu, Mr. T.G.N.Nair, Advocate for High Court of Kerala, Mr. Nishe Rajen Shonker, Advocate for State of Kerala, Mr. Arvind S. Advocate for state of Pudducherry, Mr. Mudit Gupta, Advocate state of Himachal Pradesh, Ms. Saroj Tripathi, Advocate, Ms. Enakshi Mukhopadhyay Siddhanta, Advocate for High Court of Sikkim, Mr. Shibashish Misra, Advocate for High Court of Orissa, Mr. Kumar Mihir, Advocate for the High Court of Manipur.)

WITH

MA 2035/2022 in SLP(Crl) No. 5191/2021 (II)

Date : 06-08-2024 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

By Courts Motion

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv./AC
Mr. Akbar Siddique, AOR
Mr. Ayush Agarwal, Adv.
Mr. Karl P Rustomkhan, Adv.
Mr. Suhail ahmed, Adv.
Mr. Parv K Garg, Adv.
Mr. Parwez Akhtar, Adv.
Mr. Harsh Kumar Singh, Adv.
Mr. Abhishek Singh, Adv.
Mr. Mohd Osama, Adv.

For Respondent(s) Mrs. Aishwariya Bahti, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sairica S Raju, Adv.
Mr. Ritwiz Rishabh, Adv.
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Ms. Priyanka Das, Adv.

Mr. Udai Khanna, Adv.
Mr. Mohd Akhil, Adv.
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Mr. E. C. Agrawala, AOR

Mr. Arjun Garg, AOR
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Ms. Sagun Srivastava, Adv.
Ms. Kriti Gupta, Adv.

Mr. Suwendu Suvasis Dash, AOR
Mr. Ramesh Babu M. R., AOR
Mr. Rajiv Kumar Choudhry, AOR
Mr. Malak Manish Bhatt, AOR
Mr. P. I. Jose, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Mr. Sanjeev Kaushik, Adv.
Ms. Astha Sharma, AOR
Ms. Lihzu Shiney Konyak, Adv.

Mr. Nikhil Jain, AOR
Ms. Divya Jain, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Gagan Gupta, AOR

Mr. Ahanthem Rohen Singh, Adv.
Mr. Ahanthem Henry, Adv.
Mr. Mohan Singh, Adv.
Mr. Aniket Rajput, Adv.
Ms. Khoisnam Nirmala Devi, Adv.
Mr. Kumar Mihir, AOR

Mr. Vishal Prasad, AOR

Mr. Sanjai Kumar Pathak, AOR
Mr. Arvind Kumar Tripathi, Adv.
Mrs. Shashi Pathak, Adv.

Mr. Ajay Pal, AOR
Ms. Rashmi Nandakumar, AOR
Mr. Nirnimesh Dube, AOR
Mr. Purvish Jitendra Malkan, AOR
Mr. Prashant Shrikant Kenjale, AOR

Mr. Parth Awasthi, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.

Mr. Apoorv Shukla, AOR

Mr. Abhay Anil Anturkar, Adv.
Mr. Dhruv Tank, Adv.
Mr. Aniruddha Awalgaonkar, Adv.
Ms. Surbhi Kapoor, AOR
Mr. Sarthak Mehrotra, Adv.
Mr. Bhagwant Deshpande, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Kushagra Aman, Adv.
Ms. Ayushi Bansal, Adv.
Mr. Aakash Thakur, Adv.

Mr. Gaurav Geol, Adv.
Mr. Jesal, Adv.
Mr. Rahul Gupta, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Manish Kumar, AOR
Mr. Ravi Shanker Jha, Adv.

Ms. Pallavi Langar, AOR
Ms. Pragya Bhagel, Adv.

Ms. Manisha Ambwani, AOR

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Ms. Samyuktha H Nair, Adv.

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Mr. R. Ayyam Perumal, AOR
Ms. Manisha Chava, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.

Mr. Amit Sharma, AOR
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Ms. Pallavi Barua, Adv.
Ms. Aparna Singh, Adv.

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Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Ms. Himanshi Shakya, Adv.
Mr. Nikunj Gupta, Adv.
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Mr. Anirudh Anand, Adv.
Mr. Tushar Nair, Adv.

Mr. Nalin Kohli, Sr. A.A.G.
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Mr. Shiv Mangal Sharma, A.A.G.
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Ms. Shalini Singh, Adv.
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Mr. Sunny Choudhary, AOR

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Mr. Akhil Hasija, Adv.
Mr. Gurjas Singh Narula, Adv.

Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Mr. C Kranthi Kumar, Adv.
Mr. Naman Dwivedi, Adv.
Mr. Sarathraj B, Adv.
Mr. Danish Saifi, Adv.

Mr. Kaushik Choudhury, AOR
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Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Ms. Ekta Moyal, Adv.

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Keshav Singh, Adv.

Mr. Somesh Chandra Jha, AOR

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.
Mr. R.rajasekharan, Adv.

Mr. Sudarshan Singh Rawat, AOR
Mr. Ashutosh Kumar Sharma, Adv.
Ms. Saakshi Singh Rawat, Adv.

Mr. Sunny Sachin Rawat, Adv.

Ms. Vishakha, AOR

Mr. Ashish Batra, AOR

Mr. Somanadri Goud Katam, AOR

Ms. Neha Agarwal, Adv.

Mr. Sharath Nambiar, Adv.

Mr. Sirajuddin, Adv.

Mr. Shakir, Adv.

Ms. Swati Ghildiyal, AOR

Ms. Deepanwita Priyanka, Adv.

Ms. Devyani Bhatt, Adv.

Ms. Srujana Suman Mund, Adv.

Ms. Neha Singh, Adv.

Mr. Tapesk Kumar Singh, Sr. Adv.

Mr. Akshat Choudhary, Adv.

Mr. Abhishek Singh, AOR

Mr. Shreekant Neelappa Terdal, AOR

Ms. Rooh-e-hina Dua, AOR

Mr. Abhimanyu Tewari, AOR

Ms. Eliza Bar, Adv.

Mr. Shaurya Sahay, AOR

Mr. Aditiya Kumar, Adv.

Mr. Anupam Shrivastava, Adv.

Mr. Karan Sharma, AOR

Ms. Devina Sehgal, AOR

Mr. Mohd Ashaab, Adv.

Mr. Aditya Jain, AOR

Ms. Srika Selvam, Adv.

Mr. Amit Gupta, AOR

Ms. Muskan Nagpal, Adv.

Mr. Kshitij Vaibhav, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

A. Heard learned Amicus Curiae, Sh. Siddharth Luthra, and the learned counsels appearing for the respective parties. It is very unfortunate that despite more than sufficient time being given, some of the parties have still not complied with the

directions issued by this court vide *earlier orders dt. 11.07.2022, 03.02.2023, 21.03.2023, 02.05.2023 & 13.02.2024* by duly filing their respective compliance affidavits.

B. Learned counsels appearing for the non-complying parties have once again made a fervent plea that due compliance will definitely be made by the next date of hearing. Considering the aforesaid submission, we wish to give one last and final opportunity, and are deferring from passing any adverse orders. We make it clear that if due compliance is not made and reported by the next date of hearing, the consequence would follow.

C. The learned Amicus has filed reports dt. 03.08.2024 & 05.08.2024 before this Court after a detailed analysis of the Affidavits/Reports filed by the States, Union Territories (hereinafter referred to as UTs) and the High Courts, that were filed in pursuance to the directions passed by this Court vide order dt.13.02.2024

D. It is submitted that subsequently, some of the States/UTs and High Courts have filed their respective Affidavits and Additional Affidavits which have already been compiled and filed separately. As a consequence of the Affidavits so filed, directions may be issued to the respective States/UTs and High Courts who are yet to comply with the directions of this Court as issued earlier vide orders dt. 11.07.2022, 03.02.2023, 21.03.2023, 02.05.2023 & 13.02.2024.

E. The learned Amicus also submitted that apart from the directions sought for against the High Courts and States/UTs, general directions may be issued with respect to Undertrial Prisoners (hereinafter referred to as UTPs) so as to ensure that all the High Courts and States/UTs are in full compliance of the SOP for UTPs as laid down by this court vide order dt.13.02.2024. He further submitted that it is extremely unfortunate that UTPs despite getting bail, are not being released from the prison since no family member or friend is coming forward to stand as surety or furnish bonds on the UTP's behalf.

F. We are in full agreement with the aforesaid submission, as it is indeed a palpable situation which continues to be faced by the UTPs. Further, directions are also required to be issued to set in place an Institutional Monitoring Mechanism to ensure full and complete compliance of not only the directions which have already been passed, but also those directions which may be passed by this Court in the future as well. Accordingly, it is directed as follows: -

- i. That all the High Courts and States/UTs must ensure compliance of the SOP for UTPs as laid down by this court vide order dt.13.02.2024, in those cases where no family member or friend is coming forward to stand as surety or furnish bonds on the behalf of the UTPs.
- ii. NALSA shall suggest a policy for implementing the direction sought for by the Amicus in Para.14(b) of the Report dt. 03.08.2024;
- iii. To ensure implementation of the mandate of Para.100.2 & 100.3 of *Satender Kumar Antil vs. CBI & Anr., (2022) 10 SCC 51*, the

following directions must be carried out:

- a. Every Magistrate and/or Sessions Judge shall inform its jurisdictional Principal District Judge about any form of non-compliance of Para.100.2 or Para.100.3 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51, within 1 week of recording such non-compliance;
- b. Every Principal District Judge shall maintain a record of details of such non-compliances received from the concerned Magistrates;
- c. Every Principal District Judge upon receipt of details of non-compliance by the concerned Magistrate shall, on a monthly basis, forward the same to the Registrar General of the concerned High Court and to the Head of Police in the concerned District;
- d. The Head of Police of the concerned District shall, upon receipt of details of non-compliance of Para.100.2, take action against the erring officer as soon as possible and inform the concerned Principal District Judge;
- e. The Registrar General of each High Court shall, upon receipt of details of such non-compliance of Para.100.2 and/or Para.100.3, place the same before the Committee for "Ensuring the Implementation of the Decisions of the Apex Court" for further action and forward it to the higher Police Authority. In those High Courts where such a committee is not currently in place, the same

shall be constituted by the respective High Court.

- G. Now, we issue directions for due compliance by the States, UTs, CBI and High Courts who are yet to comply with the directions of this Court as issued earlier vide orders dt.11.07.2022, 03.02.2023, 21.03.2023, 02.05.2023 & 13.02.2024. For the sake of convenience, the directions to various States and UTs are issued as follows:

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

- (i) The State must ensure full compliance of Para.100.2 by providing details of action taken against the erring officers for non-compliance of the mandate of S.41 & 41A CrPC, 1973 in 8 cases as per the Data provided by the High Court of Andhra Pradesh in its Affidavit dt.04.03.2024 (the list of 8 cases is also stated in the Amicus Report relating to the High Court of Andhra Pradesh);
- (ii) The State must ensure full compliance of Para. 100.7 by providing details of steps taken to sanction officers and staffs in Special Courts (as per Data in Pg.6 of the Affidavit dt. 04.03.2024 filed by the High Court of Andhra Pradesh);
- (iii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

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

- (i) The High Court must provide data of compliance of para. 100.10 of the judgement cited as (2022) 10 SCC 51 as per Part A of the Tabular Chart of order dt. 03.02.2023 with respect to showing compliance with the mandate of S. 436A of CrPC, 1973 as directed by this Court.

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

- (i) The UT must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

2.1. High Court of Calcutta (Refer to S. No. 36.1)

3. State of Arunachal Pradesh - Directions to be complied with:

- (i) The State must provide a clarification with respect to the instances of non-compliances of Para.100.2 by Police Officers in Districts: Tezu, Anjaw & Palin, as per the data provided by the High Court of Gauhati and provide details of action taken against the said erring officers as mandated by Para.100.2.

4. State of Assam - Directions to be complied with:

- (i) The State must ensure compliance of Para.100.7 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;
- (ii) The State must train and update the prosecutors on a periodical basis and provide details of the same in terms of directions in order dt. 21.03.2023 passed by this Court;
- (iii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

5. State of Bihar - Directions to be complied with:

- (i) The State must provide a clarification with respect to the instances of non-compliance of Para.100.2 by Police Officers in Districts: Bhojpur, Gaya, Kaimur at Bhabhua, Rohtas at Sasaram, Araria & Aurangabad as per the data provided by the High Court of Patna and provide details of action taken against the erring officers as mandated by Para.100.2 (including those in District Bagaha);
- (ii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor

prisoners.

6. Union Territory of Chandigarh - Directions to be complied with:

(i) The UT must ensure compliance of the order dt. 21.03.2023 passed by this Court and also provide data on the following:

(a) Circulation of the judgement passed by this Court in Siddharth vs. State of UP, (2022) 1 SCC 676 and Satender Kumar Antil vs. CBI & Anr., (2022) 10 SCC 51;

(b) Compliance of the direction regarding the Public Prosecutors stating the correct position of law;

(c) To provide details regarding the training of the prosecutors on a periodical basis;

(ii) The UT must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

6.1 High Court of Punjab and Haryana (Refer to Serial No. 28.1)

7. State of Chhattisgarh - Directions to be complied with:

(i) The State must provide a clarification with respect to the instances of non-compliance of Para.100.2 by Police Officers in Districts other than

Bilaspur and provide details of action taken against the said erring officers as mandated by Para.100.2 (including those in District Gariyaband).

7.1 High Court of Chhattisgarh - Directions to be complied with:

- (i) The High Court must ensure full compliance of para. 100.8 & para. 100.9 of Satender Kumar Antil vs. CBI & Anr., (2022) 10 SCC 51 and provide details as to what steps have been undertaken to facilitate the release of the said UTPs as directed in Para. 100.8:
 - (a) CJ-I Khurd – Case No. 547/2024 – Badal Harpal– order dt. 11.06.2024;
 - (b) JMFC, Dhamtari – Case No. 80/2024 – Monu @ Mukesh Nagarchi – Order dt. 09.04.2024;
 - (c) HC of Chhattisgarh – C.R.A. No.1911/2023 – Avinash Satnami – Order dt. 19.10.2023;
 - (d) III ASJ, Jangir – Case No.94/2023 – Parmeshwar Rathore – Order dt. 23.01.2024;
 - (e) CKM Sakti – Case No.813/2022 – Sanjay Sidar - Order dt. 04.04.2024;
 - (f) CKM, Sakti – Case No.335/2024 – Mukesh Kumar Yadav – Order dt. 04.05.2024;

- (g) JMFC, Pandariya – Case No.1227/2022 – Sukhiram Baiga – Order dt. 19.06.2023;
- (h) Addl. Judge to Court I – CJ II, Raigarh, Gharghoda – Case No.381/2023 – Munmun Bhagat – Order dt. 20.05.2024;
- (i) CJM Sarguja, Ambikapur – Case No.1482/2022 – Amit Kumar Paikra – Order dt. 17.02.2023;
- (j) Principal District & Session Judge, Uttar Bastar, Kanker – Spl.Session Cases 32/2021, 33/2021 & 34/2021 – Sukhdev Singh – Order dt. 23.12.2023.

9. National Capital Territory of Delhi - Directions to be complied with:

- (i) The NCT of Delhi must provide a clarification with respect to the instances of non-compliance of Para.100.2 by Police Officers in the cases mentioned in Para. 2 of the Compliance report of the Learned Amicus dt. 03.08.2024 (based on the data provided by the High Court of Delhi) and provide details of action taken against the said erring officers as mandated by Para.100.2.

10. State of Goa - Directions to be complied with:

- (i) The State must ensure full compliance of Para. 100.2 by providing details of non-compliance of S. 41 & 41A CrPC, 1973 in cases arising out of District North Goa – Panaji (as reflected in the data provided by

the High Court of Bombay) and provide details of action taken against the erring officers;

- (ii) The State must provide a copy of the Standing Order No.44/2022 dt.18.12.2022 issued by Goa to all Investigating Officers and Police Stations to ensure full compliance of Para.100.4;
- (iii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

10.1 High Court of Bombay (Refer to Serial No. 21.1)

11. State of Gujarat - Directions to be complied with:

- (i) The State must provide clarification with respect to the instances of non-compliance of Para.100.2 by Police Officers in the cases mentioned in Para. 2 of the Compliance report of the Learned Amicus dt. 03.08.2024 (which is based on the data provided by the High Court of Gujarat) and provide details of action taken against the said erring officers as mandated by Para.100.2;
- (ii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor

prisoners.

12. State of Haryana - Directions to be complied with:

- (i) The State must provide clarification and details with respect to the instance of non-compliances of Para.100.2 by Police Officers in FIR No.268/2022 dt. 24.07.2022 registered at PS Khwaja Sarai, Faridabad (which is based on I.A. No.158584/2024) and provide details of action taken against the said erring officers as mandated by Para.100.2
- (ii) The State must provide periodical training to Prosecutors in terms of Order dt. 21.03.2023 regarding putting the correct position of law before the Court;
- (iii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

12.1 High Court of Punjab and Haryana (Refer to Serial No. 28.1)

13. State of Himachal Pradesh - Directions to be complied with:

- (i) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP

(constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

14. Union Territory of Jammu and Kashmir - Directions to be complied

with:

- (i) The UT must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

15. State of Jharkhand - Directions to be complied with:

- (i) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

16. State of Karnataka - Directions to be complied with:

- (i) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

16.1 High Court of Karnataka - Directions to be complied with:

- (i) The High Court must inform and provide data as to whether the principles in Satender Kumar Antil vs. CBI, (2022) 10 SCC 51, are being applied to applications arising out of S. 438 CrPC, 1973.

17.1 High Court of Kerala - Directions to be complied with:

- (i) The High Court must provide data with respect to compliance of Para. 100.5, 100.7, 100.8, 100.9 of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 as per the model Tabular format provided in order dt.03.02.2023;
- (ii) The High Court must ensure compliance of Para. 100.11 of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 with respect to applications u/s. 438 CrPC, 1973 pending before the High Court of Kerala (as mentioned in para. 7 of the Affidavit dt.06.05.2024 & para.10 of the Affidavit dt.02.08.2024);
- (iii) The High Court must provide data with respect to inclusion of judgements, namely Sidharth vs. State of UP, (2021) 1 SCC 676 & Satender Kumar Antil vs. CBI, (2022) 10 SCC 51, in the curriculum of

the Judicial Academy;

- (iv) The High Court must provide data with respect to the application of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51, to Petitions filed u/s.438 CrPC, 1973.

20.1 High Court of Madhya Pradesh - Directions to be complied with:

- (i) The High Court must ensure full compliance of Para.100.2 & 100.3, and furnish details with respect to Courts in the following districts – Alirajpur, Chhindwara, Datia, Katni, Narsinghpur & Umaria, as both situations cannot co-exist (there cannot be a “Yes” in the first two columns of “Table A”);
- (ii) The High Court must ensure compliance of Para. 100.5 and furnish details with respect to Courts in the following Districts – Balaghat, Bhind, Bhopal, Chhindwara, Datia, Narmadapuram, Narsinghpur, Sagar, Shahdol, Singrauli, Tikamgarh, Umaria & Vidisha;
- (iii) The High Court must ensure compliance of Para. 100.11 and furnish details with respect to Courts in District Sidhi (as anticipatory bail applications are not being decided within 6 weeks).

21. State of Maharashtra - Directions to be complied with:

- (i) The State must ensure compliance of directions issued by this Court by way of filing an Affidavit and not just by placing independent documents or correspondences on record;
- (ii) The State must ensure compliance of Para.100.2 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51 by Police Officers in each District (as per the Data provided by the High Court of Bombay in its Affidavit dt.04.05.2024). and provide details of action taken against erring officers. Further, provide a clarification with respect to cases of non-compliance of S. 41 & 41-A CrPC, 1973 in Mumbai as placed on record by the Amici on 06.08.2024 by way of Additional Documents and provide details of action taken against such erring officers;
- (iii) The State must ensure compliance of Para. 100.7 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;
- (iv) The State must provide data with respect to Training Programmes held for Public Prosecutors in compliance of Order dt.21.03.2023 passed by this Court;
- (v) The State must incorporate details of compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight

Committee') to help poor prisoners, as stated in the letter dt.05.08.2024 issued by the Home Department, Maharashtra Government, in an Affidavit;

21.1 High Court of Bombay - Directions to be complied with:

- (i) The High Court must seek clarification and an explanation from the concerned Remand Court in CR No. 232 of 2024 lodged at L.T. Marg Police Station, Mumbai for not complying with Para.100.2 & 100.3 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51
- (ii) The High Court must ensure full compliance of para. 100.8 & para. 100.9 of the judgement cited as (2022) 10 SCC 51 by the Courts in all districts, to the extent of providing details with respect to what steps have been undertaken to facilitate the release of the said identified UTPs as directed in Para. 100.8;
- (iii) The High Court must ensure that the Sessions Courts in District Gondia and District Jalgaon are complying with the direction of application of principles of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 to applications arising out of S. 438 CrPC, 1973.

22. State of Manipur - Directions to be complied with:

- (i) The State must provide a clarification and details with respect to the instances of non-compliances of Para.100.2 by Police Officers in

District Thoubal and District Imphal (which is based on the data provided by the High Court of Manipur) and provide details of action taken against the said erring officers as mandated by Para.100.2.

22.1 High Court of Manipur - Directions to be complied with:

- (i) The High Court must ensure compliance of Para. 100.7 of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 by establishing a Special Court for NIA & CBI as the letter dt. 24.08.2023 forwarded by the Government of Manipur to the High Court is still under consideration. Further, to establish the post of Presiding Officer for the Special Court NIA/CBI at the earliest.

26. State of Odisha - Directions to be complied with:

- (i) The State must ensure full compliance of Para.100.2 of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 and provide clarification and details with respect to the instances of non-compliances of Para.100.2 by Police Officers in Districts mentioned in Para. 2 of the Compliance Report of the Learned Amicus dt. 03.08.2024 (which is based on the data provided by the High Court of Odisha) and provide details of action taken against the said erring officers as mandated by Para.100.2;

- (ii) The State must ensure compliance of Para. 100.7 Satender Kumar Antil vs. CBI (2022) 10 SCC 51;
- (iii) The State must provide data with respect to the Training Programmes held for Public Prosecutors in compliance of Order dt. 21.03.2023 passed by this Court.
- (iv) The State must ensure compliance of Para I of the order dt. 13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.
- (v) The State must ensure compliance of Para. I of the order dt. 13.02.2024 and constitute District Level Empowered Committees specifically in Districts Kendrapara and Phulbani (as per data provided by the High Court of Odisha) and provide details of steps taken to consider the request of the 2 Prisoners before the State Level Oversight Committee as stated in Para 6 of the Compliance Report of the Learned Amicus dt. 03.08.2024 (which is based on the data provided by the High Court of Odisha).

27. Union Territory of Puducherry - Directions to be complied with:

- (i) The UT must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an

'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

28.1 High Court of Punjab and Haryana - Directions to be complied with:

- (i) The High Court must ensure compliance of Para. 100.2 & 100.3 of Satender Kumar Antil vs. CBI & Anr (2022) 10 SCC 51, by filing an updated Tabular Chart after comparing the data provided by the States of Punjab & Haryana and to report whether directions in Para. 100.3 were complied with on account of non-compliance by the Police Officers in the Districts mentioned in Para. 2 of the Compliance Report of the Learned Amicus dt. 03.08.2024, and whether such dereliction on the part of police officers was brought to the notice of higher authorities by the concerned Courts;
- (ii) The High Court must ensure full compliance of Para. 100.8 by providing data with respect to the status of the applications pending u/s. 440(2) of the CrPC, 1973 by the identified UTPs and the High Court must also provide data on what other steps have been taken to alleviate the situation of those UTPs who have not preferred any application u/s 440(2) CrPC, 1973, in District Courts in the State of Haryana.

29. State of Rajasthan - Directions to be complied with:

- (i) The State must ensure full compliance of Para. 100.7 of Satender Kumar Antil vs. CBI & Anr (2022) 10 SCC 51 and provide details of

steps taken in response to requests made by the High Court of Rajasthan for creation of 928 Courts and upgradation of 7 Courts;

- (ii) The State must provide data with respect to Training Programmes held for Prosecutors as per directions of this Court in order dt. 21.03.2023;
- (iii) The State must ensure compliance of Para. I of the order dt. 13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

29.1 High Court of Rajasthan - Directions to be complied with:

- (i) The High Court must ensure full compliance of Para. 100.8 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51 by providing data with respect to what steps have been taken by the High Court and District Courts to alleviate the situation of UTPs who cannot comply with bail conditions apart from merely informing them about their right to file an application u/s.440 CrPC, 1973.

30. State of Sikkim - Directions to be complied with:

- (i) The State must provide details of action taken against the erring officers in the 4 cases mentioned in Para. 6 of the Affidavit dt. 18.07.2024 to ensure full compliance of Para. 100.2 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;

- (ii) The State must ensure compliance of Para. I of the order dt. 13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

30.1 High Court of Sikkim - Directions to be complied with:

- (i) The High Court must ensure full compliance of Para. 100.2 & 100.3 with respect to District & Sessions Judge; Gangtok; Spl. Div-II, Gangtok; JMFC, Gangtok, Judicial Magistrate, Rangpo (Pakyong District); JM Rongli (Pakyong District); and JM Jorethang Sub-Division, as there cannot be a "Yes" in the first two columns of "Table A" as both situations cannot co-exist;
- (ii) The High Court must ensure compliance with respect to application of principles of Satender Kumar Antil vs. CBI & Anr., (2022) 10 SCC 51 to applications arising out of S. 438 CrPC, 1973 by Courts in the State of Sikkim.

31. State of Tamil Nadu - Directions to be complied with:

- (i) The State must ensure full compliance of Para.100.2 of Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 and provide clarification and details with respect to the instances of non-compliances of Para.100.2 by Police Officers in Districts mentioned in Para. 2 of the Compliance

Report of the Learned Amicus dt. 03.08.2024 (which is based on the data provided by the High Court of Madras) and provide details of action taken against the said erring officers as mandated by Para.100.2;

- (ii) The State must ensure full compliance of Para. 100.7 of Satender Kumar Antil vs. CBI & Anr (2022) 10 SCC 51 and provide details of steps taken to constitute Special Courts under POCSO Act, NDPS Act, MP MLA Courts, SC/ST Act;
- (iii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

32.1 High Court of Telangana - Directions to be complied with:

- (i) The High Court must ensure compliance in terms of direction contained in Para. 100.7, with respect to consultation with the State Government for constitution of Special Courts and filling vacancies in the existing District Courts and to furnish information on the steps taken to comply with the same;
- (ii) The High Court must ensure full compliance of Para. 100.8 & 100.9 by providing data with respect to what steps have been taken by the High Court and District Courts to alleviate the situation of UTPs who cannot comply with bail conditions apart from merely informing them about

their right to file an application u/S.440 CrPC, 1973.

34. State of Uttarakhand - Directions to be complied with:

- (i) The State must provide details of compliance of Para.100.4 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;
- (ii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

34.1 High Court of Uttarakhand - Directions to be complied with:

- (i) The High Court must provide details/clarification with respect to non-compliance of Para.100.2 in 1 case by the Court in Dehradun District;
- (ii) The High Court must ensure compliance to the directions in Para. 100.7, with respect to consultation with the State Government for constitution of Special Courts and filling vacancies in the existing District Courts and to furnish information on the steps taken to comply with the same.

35. State of Uttar Pradesh - Directions to be complied with:

- (i) The State must provide a clarification and details with respect to the instances of non-compliances of Para.100.2 by Police Officers in

District Farukkhabad (which is based on the data provided by the High Court of Allahabad) and provide details of action taken against the said erring officers as mandated by Para.100.2;

- (ii) The State must ensure compliance of Para. 100.7 of Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51;
- (iii) The State must ensure compliance of Para. I of the order dated 13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

35.1 High Court of Allahabad - Directions to be complied with:

- (i) The High Court must provide data, in conformity of orders dt. 03.02.2023 & 13.02.2024 [para. 35.1 (vii)], identifying any judicial officers who are passing orders in non-conformity with the directions issued by this Court in Satender Kumar Antil vs. CBI, (2022) 10 SCC 51 and to provide details as to the actions taken against such erring officers, if any;
- (ii) The High Court must provide data in order to show compliance with para. 100.5, 100.6, 100.8, 100.9, 100.11;
- (iii) The High Court must provide clarification and an explanation with respect to non-compliance of Para.100.5 by the Special Judge, Anti-

Corruption, CBI- 5, Lucknow in orders dt. 24.07.2024 arising out of Anticipatory Bail Application No.5384 of 2024 & Anticipatory Bail Application No.5393 of 2024 in Sessions Case No. 1117 of 2024 [RC No. 03(A)/2022];

- (iv) The High Court must provide data indicating whether the District & Sessions Judges are complying with the direction to apply principles of Satender Kumar Antil vs. CBI (2022) 10 SCC 51 to applications seeking anticipatory bail u/S. 438 CrPC.

36.State of West Bengal - Directions to be complied with:

- (i) The State must ensure full compliance of Para. 100.7 by acting on the requests made by the High Court of Calcutta for constituting Special Courts under the POCSO Act;
- (ii) The State must ensure compliance of Para. I of the order dt.13.02.2024 passed by this Court and implement the SOP (constitution of an 'Empowered Committee & an 'Oversight Committee') to help poor prisoners.

36.1 High Court of Calcutta - Directions to be complied with:

- (i) The High Court must ensure compliance of Para.100.2 & 100.3, as both situations cannot co-exist (there cannot be a "Yes" in the first two columns of "Table A" with respect to all districts);

(ii) The High Court must ensure compliance of para. 100.5 of Satender Kumar Antil vs CBI & Anr. (2022) 10 SCC 51 in the following Courts/Districts:

- (a)** South Andaman;
- (b)** North & Middle Andaman;
- (c)** Nicobar;
- (d)** DJ, Howrah;
- (e)** ADJ, Second Court, Howrah,
- (f)** ADJ, Fourth Court, Howrah,
- (g)** SPL. Judge (POCSO), Howrah,
- (h)** ADJ, First Court, Uluberiya,
- (i)** ADJ, FTC-(III), Howrah,
- (j)** ACJM, Uluberiya,
- (k)** ADJ, Ranaghat,
- (l)** ADJ, Fourth Court, Nadia.
- (m)** CJ, Nadia,
- (n)** ACJM, Krish Nagar,
- (o)** JM, Third Court, Krish Nagar, Nadia,
- (p)** JM, Fourth Court, Krish Nagar, Nadia,
- (q)** JM, Second Court, Ranaghat, Nadia,
- (r)** JM, Third Court, Ranaghat, Nadia,

(s) ACJM, Kalyani,

(t) ACJM, Second Court, Kalyani,

(u) JM, Kalyani, Nadia,

(v) Principal Magistrate, JBB, Nadia

(iii) The High Court must ensure full compliance of para. 100.8 & para. 100.9 of *Satender Kumar Antil vs CBI (2022) 10 SCC 51* by the Courts in all districts, to the extent of providing details with respect to what steps have been undertaken to facilitate the release of the said UTP's as directed in Para. 100.8.

37. Union of India - Directions to be complied with:

- (i) The Union of India vide order dt. 13.02.2024 was already asked to inform this Court as to whether any Bail Law (in terms of Para.100.1 of *Satender Kumar Antil vs. CBI & Anr. (2022) 10 SCC 51*) is in contemplation or under preparation. However, no response has been solicited from the Union of India with respect to the progress achieved in specific reference to the preparation or framing of a Bail Law. Hence, the Union of India shall file an affidavit to that effect indicating the progress achieved in this regard.;
- (ii) The Union of India must inform this Court as to whether any assessment has been made to ascertain the requirement of creating

additional Special Courts (CBI) in Districts with high pendency of cases, along with requisite data;

(iii) An SOP which was framed by the Central Government to alleviate the situation of UTPs was already taken on record by this Court vide order dt. 13.02.2024 and subsequently, directions were also issued. However, it is unknown as to the extent to which the said SOP has been implemented and given effect to. Hence, the Union of India shall file an affidavit in order to indicate to this court as to the level, efficiency and effectiveness of the implementation of the aforesaid SOP;

(iv) The Union of India must provide specific details with respect to the allocation of funds to all the States through the Central Nodal Agency for effective implementation of the Scheme for support to poor prisoners as laid down by this Court in Para. I of the order dt.13.02.2024;

(v) The Union of India must clarify the concern raised by the State of Punjab with respect to how the funds from SNA Account of Nodal Officer are to be transferred to the beneficiaries (as per Para. 6 of Affidavit dt. 30.07.2024 filed by the State of Punjab).

38. Central Bureau of Investigation - Directions to be complied with:

(i) The CBI must provide clarification regarding the details of non-

compliance of Para.100.2 by the erring Officer in CBI Case No.02 of 2023 before Special Judge (Anti-Corruption), CBI, Dehradun and to provide details of action taken against the said erring officer;

- (ii) The CBI must provide an updated and detailed Affidavit as required vide order dt. 02.05.2023 in consonance with Model tabular chart be filed.

H. We wish to take up this matter in a phased manner, keeping in view the large number of parties. The case will be taken up on a staggered basis. On **15.10.2024**, the following parties in the table annexed below will be heard. The remaining parties in the tabular chart annexed at Page 9 of the Compliance Report of the Learned Amicus dt. 03.08.2024, will be heard on subsequent days after the initial hearing fixed for **15.10.2024** takes place.

SR. NO.	PARTIES WHO WILL BE HEARD ON THE AFOREMENTIONED DATE
1.	High Court of Andhra Pradesh
2.	State of Andhra Pradesh
3.	High Court of Allahabad
4.	State of Uttar Pradesh
5.	High Court of Bombay
6.	State of Maharashtra
7.	State of Goa
8.	Union Territory of Dadra & Nagar Haveli and Daman & Diu

9.	High Court of Calcutta
10.	State of West Bengal
11.	Union Territory of Andaman and Nicobar Islands
12.	High Court of Chhattisgarh
13.	State of Chhattisgarh
14.	High Court of Delhi
15.	NCT of Delhi
16.	High Court of Gauhati
17.	State of Arunachal Pradesh
18.	State of Assam
19.	State of Mizoram
20.	State of Nagaland
21.	High Court of Gujarat
22.	State of Gujarat

(ASHA SUNDRIYAL)
ASTT.REGISTRAR CUM PS

(POONAM VAID)
COURT MASTER (NSH)



2024 INSC 134

NON-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.

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 Arnes 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.

- (ii) In terms of direction contained in para 100.7, it is directed that the Union Territory 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 Union Territory to ensure that the prosecutors are stating the correct position of law as per the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra)
 - (c) To train and update the prosecutors on a periodical basis and provide details of the same.

2.1 High Court of Calcutta (Refer to Serial No. 36.1)

3. State of Arunachal Pradesh -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 action 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 Siddharth (Supra) and Satender Kumar Antil (Supra).

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

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

3.1 High Court of Gauhati (Refer to Serial No. 4.1)

4. State of Assam -Directions to be complied with:

(i) In terms of directions 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.

- (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) In terms of direction contained in para 100.9, it has been disclosed that bail applications under Section 440 of CrPC have not been received in relation to prisoners, therefore needful be done.
- (iv) Compliance with order dated 21.03.2023 passed by this Court:
 - (a) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To train and update the prosecutors on a periodical basis and provide details of the same.

4.1 High Court of Gauhati -Directions to be complied with:

- (i) In terms of directions contained in para 100.2 and 100.3, there is a contrary stand that conditions in relation to Sections 41 and 41-A of CrPC and Arnesh Kumar have been complied with, yet bail has been granted, therefore the High Court is directed to inform about clear instances of the same. Specific emphasis shall be laid on the reports of district Barpeta, Biswanath and Dimahasao as per the affidavit filed.
- (ii) 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.
- (iii) 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.
- (iv) In terms of direction contained in para 100.9, it has been disclosed that bail applications under Section 440 of CrPC have not been received in relation to prisoners, therefore needful be done.
- (v) 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, because it seems that there is no amendment to the curriculum of the State Judicial Academy.

5. State of Bihar -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.
- (ii) In terms of direction contained in para 100.7, it appears that there is 1 vacancy out of 74 in Bihar Prohibition and Excise Courts and 3 out of 14 in Schedule Castes and Scheduled Tribes Courts. However, no further information is provided for filling the said vacancies. Therefore, it is directed that the State shall provide details of the same and also about the 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) To train and update the prosecutors on a periodical basis and provide details of the same.

5.1 High Court of Patna -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.
- (ii) There is part compliance of the directions issued in para 100.3, 100.5, and 100.11 in districts such as Aurangabad, Aaria and Banka. Therefore, it is directed that a complete compliance shall be made in respect of these paragraphs and districts thereof.
- (iii) So far as para 100.6 is concerned, it is reported that certain districts such as Bhagalpur, Munger, Patna, and Chhapra are not in compliance. Therefore, it is directed that compliance for the same shall be made.

- (iv) In terms of direction contained in para 100.7, it is directed that the High Court shall provide details of Special Courts constituted and the necessary steps taken for creation of Additional Special Courts and its stage. The High Court is also directed to inform about the steps being undertaken to fill the existing vacancies.
- (v) As per the report, the directions contained in para 100.9 has been partly complied with. Therefore, it is directed that necessary steps shall be taken to ensure complete compliance of this direction.
- (vi) The direction contained in para 100.10 is not complied with in District Bhagalpur, Munger, Gopalganj, Patna and Chhapra. Therefore, necessary steps shall be taken to ensure complete compliance.
- (vii) 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.
- (viii) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

6. Union Territory of Chandigarh -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.

- (ii) In terms of direction contained in para 100.7, it is directed that the Union Territory 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 Union Territory to ensure that the prosecutors are stating the correct position of law as per the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (c) To train and update the prosecutors on a periodical basis and provide details of the same.

6.1 High Court of Punjab and Haryana (Refer to Serial No. 28.1)

7. State of Chhattisgarh -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.
- (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) The affidavit filed by the State has a tabular chart in which data provided does not divulge into whether adherence to the directions is being done as most columns are filled as 'N/A'. We expect that detailed information will be filed in respect of all columns to appreciate the implementation of the directions.
- (iv) Compliance with order dated 21.03.2023 passed by this Court:
 - (a) It appears from the affidavit filed by State that there is no clarity as to whether any training has been carried out or not. Therefore, details of the

same shall be provided and if no training programme has been conducted, then the same shall be done periodically.

7.1 High Court of Chhattisgarh -Directions to be complied with:

- (i) In terms of the directions contained in para 100, it was directed that the compliance of these directions will be indicated by way of a detailed model tabular chart. However, that has not been done. Therefore, a detailed tabular chart shall be filed for those directions that fall within the domain of the High Court.
- (ii) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.
- (iii) 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.
- (iv) In terms of direction contained in para 100.7, it is directed that the High Court shall provide details of Special Courts constituted and the necessary steps taken for creation of Additional Special Courts and its stage. The High Court is also directed to inform about the steps being undertaken to fill the existing vacancies.

8. Union Territory of Dadra and Nagar Haveli and Daman and Diu -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.
- (ii) In terms of direction contained in para 100.7, it is directed that the Union Territory shall provide details of Special Courts constituted and the necessary steps taken for creation of Additional Special Courts and its stage. The Union Territory is also directed to inform about the steps being undertaken to fill the existing vacancies.

8.1 High Court of Bombay (Refer to Serial No. 21.1)

9. National Capital Territory of Delhi -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.

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

9.1 High Court of Delhi -Directions to be complied with:

- (i) In terms of directions contained in para 100.2 and 100.3, 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 compliance as per chart 'A', however certain Courts have not complied with the same. Therefore, it is directed that needful be done for complete compliance.

- (iii) In terms of directions contained in para 100.6, there is part compliance in the districts as per the affidavit. Therefore, it is directed that needful be done for complete compliance.
- (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 what steps have been taken to alleviate this situation.
- (v) In terms of direction contained in para 100.9, it has been disclosed that bail applications under Section 440 of CrPC have not been received in relation to prisoners. Therefore, needful be done.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

10. State of Goa -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.

(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. The State is also directed to inform about the steps being undertaken to fill the existing vacancies.

(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 Siddharth (Supra) and Satender Kumar Antil (Supra).

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

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

10.1 High Court of Bombay (Refer to Serial No. 21.1)

11. State of Gujarat -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.

- (ii) In terms of direction in para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.
- (iii) Compliance with order dated 21.03.2023 passed by this Court:
 - (a) The State is directed to issue directions to the Prosecutors to place on record the correct legal position as per Siddharth (Supra) and Satender Kumar Antil vs. CBI (Supra).
 - (b) The State is directed to ensure the circulation of judgment of Siddharth (Supra) and Satender Kumar Antil (Supra) to Prosecutors, and
 - (c) The State is directed to train and update the Prosecutors on a periodical basis and provide details of the same.

11.1 High Court of Gujarat -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2, bail is being granted for non-compliance of Sections 41 and 41-A of CrPC in districts such as Botad, Chhotadeupur, Junagadh and Surat. However, it has been stated that the directions of Sections 41 and 41-A of CrPC are being complied with. As both situations cannot co-exist, the High Court is directed to provide details pertaining to the compliance of the aforesaid directions. 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 the directions issued in Paras 100.5 and 100.6, it is found that the same have been complied with only partially. The High Court is directed to ensure complete and uniform compliance of the same and furnish information in this regard.
- (iii) In terms of the directions issued in Para 100.7, the High Court is directed to furnish information regarding its compliance.
- (iv) In terms of the directions issued in Para 100.8, the High Court is directed to provide detailed information regarding the measures taken for those prisoners who have not been able to furnish sureties despite grant of bail.

- (v) In terms of the directions issued in Para 100.10, the High Court is directed to ensure compliance of the same and furnish information.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.
- (vii) 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.

12. State of Haryana -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.
- (ii) In terms of direction contained in Para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.

- (iii) Compliance with order dated 21.03.2023 passed by this Court;
- (a) The State is directed to issue directions to Prosecutors to place on record the correct legal position as per Siddharth (Supra) and Satender Kumar Antil (Supra),
- (b) The State is directed to ensure circulation of judgment in Siddharth (Supra) and Satender Kumar Antil (Supra) to Prosecutors, and
- (c) The State is directed to train and update Prosecutors on a periodical basis and provide details of the same.

12.1 High Court of Punjab and Haryana (Refer to Serial No. 28.1)

13. State of Himachal Pradesh -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.

- (ii) In terms of direction contained in para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.
- (iii) Provide detailed Tabular chart (Part A) and steps taken to facilitate release of undertrial prisoners who continue to be in jail despite grant of bail.

13.1 High Court of Himachal Pradesh -Directions to be complied with:

- (i) In terms of the directions issued under Para 100.7, the High Court is directed to furnish information regarding the requirement of Special Courts and the status of any proposals for the same.
- (ii) In terms of directions issued under Para 100.8, the High Court is directed to ensure compliance and furnish information regarding steps taken to alleviate the conditions of the prisoners who have been identified as not being able to furnish sureties despite bail having been granted.
- (iii) In terms of the directions issued under Para 100.9, the High Court is directed to ensure compliance as to the filing of bail applications on behalf of undertrial prisoners and to furnish information on the same.
- (iv) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

- (v) 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 curriculum of judicial academy.

14. Union Territory of Jammu and Kashmir -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, the Union Territory 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.
- (ii) In terms of direction contained in para 100.7, the Union Territory is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.

14.1 High Court of Jammu and Kashmir and Ladakh -Directions to be complied with:

- (i) Regarding the directions in Para 100.2, discrepancy is noted in districts such as Jammu, Ramban and Bandipora, wherein it is stated that there is compliance of Sections 41 and 41-A of CrPC, yet bail is being granted for non-compliance of the same which is contradictory to each other. The High Court is directed to ensure proper compliance and furnish information on the same.
- (ii) With regards to the directions issued in para 100.5, discrepancy is noted in the affidavits dated 09.03.2023, which shows “yes” under the relevant column, while the affidavit dated 11.04.2023 shows “N/A”. The High Court is directed to ensure compliance of the aforementioned directions and furnish information on the same.
- (iii) In terms of directions issued in Para 100.7, the High Court is directed to ensure compliance and furnish information regarding the constitution of Special Courts in consultation with the Union Territory.
- (iv) In terms of the directions issued in paras 100.8 and 100.9, the High Court should inform this Court as to whether any steps have been taken to identify prisoners who are unable to comply with bail conditions and

unable to furnish sureties in many cases, and what steps have been taken to alleviate this situation.

- (v) 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 curriculum of judicial academy.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

15. State of Jharkhand -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.
- (ii) In terms of direction contained in para 100.7, the State is directed to give details of the number of Special Courts Constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.

- (iii) Compliance with order dated 21.03.2023 passed by this Court:
- (a) The State is directed to issue directions to Prosecutors to place on record the correct legal position as per Siddharth (Supra) and Satender Kumar Antil (Supra),
 - (b) The State is directed to circulate the judgment in Siddharth (Supra) and Satender Kumar Antil (Supra) to Prosecutors.
 - (c) The State is directed to train and update the Prosecutors on a periodical basis and provide details of the same.

15.1 High Court of Jharkhand -Directions to be complied with:

- (i) In terms of the directions issued in para 100.2, it is noted that in districts such as Godda and East Singhbhum, bail has been granted for non-compliance of Sections 41 and 41-A of CrPC, while it has been mentioned that the conditions as stipulated in the statutory provisions are being complied with which are contradictory to each other. The High Court is directed to furnish information regarding such discrepancy.
- (ii) The directions in Para 100.5 have not been complied with in certain districts such as Bokaro, West Singhbhum, Godda, Chatra, Dumka. The High Court is directed to ensure compliance of the same and furnish information.

- (iii) In terms of the directions issued in Para 100.7, the High Court is directed to ensure compliance and furnish information regarding the constitution of Special Courts and whether any steps are underway for creation of Additional Special Courts and at what stage.
- (iv) The High Court is directed to ensure compliance with the directions of para 100.8 and furnish information on the steps taken to alleviate the situations of prisoners who are not able to furnish sureties despite grant of bail.
- (v) The High Court is directed to ensure compliance with the directions issued in Para 100.9, and furnish information on the same.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

16. State of Karnataka -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 action 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 the direction in para 100.7, the State is directed to give the details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.

16.1 High Court of Karnataka -Directions to be complied with:

- (i) To ensure uniform compliance of the directions issued in para 100.5 and furnish information on the same.
- (ii) To ensure compliance of the directions issued in para 100.7 and furnish information in consultation with the State Government regarding constitution of any Additional Special Courts, as well as the steps taken to resolve the vacancy in the Special Courts already constituted.
- (iii) To ensure compliance with the directions issued in para 100.9 and to furnish information on the same.
- (iv) To ensure uniform compliance of the directions issued in para 100.10 as it has been noted that only a few districts such as Chitradurg, Kolar and Raichur have complied with the same. The High Court is directed to ensure uniform compliance by all districts concerned and furnish information on the same.

- (v) 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.

17. State of Kerala -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.
- (ii) The State is directed to give details of steps taken to ensure compliance of direction contained in Para 100.5 in the districts of Kollam, Pathanamthitta, Kalpetta and Kasargod, as it appears from the Additional compliance affidavit dated 14.04.2023 filed by the State that the aforementioned districts have not complied with the said direction.
- (iii) In terms of the directions contained in para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any

steps are underway for the creation of Additional Special Courts and at what stage and whether the vacancies that existed then have been filled now.

- (iv) State is directed to give details of steps taken to ensure release of undertrial prisoners who are unable to comply with bail conditions.
- (v) Compliance with order dated 21.03.2023 passed by this Court:
 - (a) The State is directed to provide training to Prosecutors on a periodical basis and provide details of the same.

17.1 High Court of Kerala -Directions to be complied with:

- (i) Directions issued in para 100.5 are shown to be only partly complied with. The High Court is directed to ensure complete compliance and furnish information on the same.
- (ii) In terms of direction contained in para 100.7, the High Court is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.
- (iii) The High Court is directed to ensure compliance with the terms of para 100.8 and furnish information regarding the steps taken to alleviate the conditions of the prisoners.

- (iv) To ensure compliance with the directions issued in para 100.9 and furnish information on the same.
- (v) 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.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

18. Union Territory of Ladakh -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, the Union Territory is directed to provide the particulars of the 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 action 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, the Union Territory is directed to give details of the number of Special Courts constituted and

whether any steps are underway for creation of Additional Special Courts and at what stage.

18.1 High Court of Jammu and Kashmir and Ladakh (Refer to Serial No. 14.1)

19. Union Territory of Lakshadweep -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, the Union Territory is directed to provide the particulars of the 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.
- (ii) In terms of direction contained in para 100.7, the Union Territory is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.
- (iii) Compliance with order dated 21.03.2023 passed by this Court:

- (a) The Union Territory is directed to issue directions to Prosecutors to place on record the correct legal position as per Siddharth (Supra) and Satender Kumar Antil (Supra),
- (b) The Union Territory is directed to circulate the judgment in Siddharth (Supra) and Satender Kumar Antil (Supra) to Prosecutors.
- (c) The Union Territory is directed to train and update the Prosecutors on a periodical basis and provide details of the same.

19.1 High Court of Kerala (Refer to Serial No. 17.1)

20. State of Madhya Pradesh -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 Armesh Kumar (Supra) has not been followed and consequently to provide the details of necessary actions that have been taken against erring police officers.
- (ii) In terms of the direction contained in para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any steps are underway for creation of Additional Special Courts and at what stage.

- (iii) Compliance with order dated 21.03.2023 passed by this Court:
- (a) The State is directed to issue directions to Prosecutors to place on record the correct legal position as per Siddharth (Supra) and Satender Kumar Antil (Supra),
 - (b) The State is directed to ensure circulation of judgment in Siddharth (Supra) and Satender Kumar Antil (Supra) to Prosecutors,
 - (c) The State is directed to provide training and update Prosecutors on a periodical basis and provide details of the same

20.1 High Court of Madhya Pradesh -Directions to be complied with:

- (i) In terms of the directions issued in para 100.2, it is noted that there is discrepancy insofar as bail is being granted on non-compliance of Sections 41 and 41-A, however, it is also stated that the statutory provisions are being complied with. Since the two situations cannot co-exist, the High Court is directed to ensure uniform compliance and furnish information on the same.
- (ii) In terms of para 100.5, the High Court is directed to ensure uniform compliance and furnish information on the same
- (iii) In terms of the direction contained in para 100.7, the State is directed to give details of the number of Special Courts constituted and whether any

steps are underway for creation of Additional Special Courts and at what stage.

- (iv) To ensure compliance with the directions issued in para 100.8, 100.9 and 100.10 and furnish information regarding the same.
- (v) 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 the judicial academy.
- (vi) To inform on whether the judgment in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC.

21. State of Maharashtra -Directions to be complied with:

- (i) From perusal of records, we find that the State of Maharashtra alone has not filed compliance affidavits as per the directions issued in Satender Kumar Antil (Supra) and subsequent orders passed by this Court. Therefore, the State is directed to file a detailed compliance affidavit as per Satender Kumar Antil (Supra) and subsequent orders passed by this court within a period of 8 weeks and the same shall also be circulated with learned amicus who upon perusal shall file a report within 2 weeks thereafter.

21.1 High Court of Bombay -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, as per report, compliance has been made. However, no details have been furnished on whether bail is being granted or not. Therefore, a detailed affidavit on this count shall be filed.
- (ii) In terms of direction contained in para 100.3 and 100.5, there is part compliance of direction, since it is revealed that some District Courts such as Dhule, Nandurbar, Parbhani and Ratnagiri are asking for bail applications despite filing of chargesheet without arrest. Furthermore, in respect of South Goa and Dadra and Nagar Haveli there is non-compliance, therefore, it is directed that necessary steps shall be taken in respect of these districts and an affidavit indicating compliance shall be filed.
- (iii) In terms of direction contained in para 100.7, the affidavit does not indicate anything on constitution of Special Courts and existing vacancies thereof except for a statement indicating details of Special Courts constituted under 7 different statutes.
- (iv) In terms of direction contained in para 100.8, no information has been provided about identification of under trial prisoners and action taken in view of Section 440 of CrPC. Therefore, it is directed that immediate steps shall be taken in this regard.

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

22. State of Manipur -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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.
- (ii) In terms of para 100.7, it is directed that the State shall provide details of whether any steps are underway for creation of Special Courts and Additional Special Courts and if so, then at what stage. Furthermore, details of assessment as to the High Court's request for 3 Special Courts shall also be provided.

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

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

22.1 High Court of Manipur -Directions to be complied with:

- (i) In terms of directions contained in para 100.2, it has come to our attention that there are certain Courts namely JMFC Imphal East, JMFC Jiribam and JMFC Thoubal where bail has been granted in non-compliance of Sections 41 & 41-A of CrPC. State affidavit is silent on the disciplinary or administrative action as indicated in the Standing Order. The same is mandated to be duly furnished.
- (ii) In terms of directions contained in para 100.7, it has been stated that the High Court is pursuing with the State Government for constituting three Additional Special Courts. The latest status of the same needs to be duly updated.
- (iii) 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 unable to furnish sureties in many cases, though bail stands granted and what steps have been taken to alleviate this situation.
- (iv) In terms of directions contained in para 100.11, there is no adequate compliance and incomplete information with respect to some of the Courts

has been provided. Therefore, needful be done in this regard. The relevant information should also be furnished.

- (v) 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.
- (vi) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

23. State of Meghalaya -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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.
- (ii) In terms of 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.

23.1 High Court of Meghalaya -Directions to be complied with:

- (i) In terms of directions contained in para 100.7, it has come to our attention that the affidavit of the High Court is silent over the constitution of Special Courts in consultation with the State Government. The latest status of the same needs to be duly updated and furnished.
- (ii) In terms of directions contained in para 100.8 and 100.9, the High Court has identified nearly 42 prisoners who are not able to furnish sureties despite bail. Detailed information and steps taken to alleviate the situation have however not been provided. Therefore, needful be done in this regard.
- (iii) 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.
- (iv) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

24. State of Mizoram -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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

action that has 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 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.

24.1 High Court of Gauhati (Refer to Serial No: 4.1)

25. State of Nagaland -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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.
- (ii) In terms of 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) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra)

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

25.1 High Court of Gauhati (Refer to Serial No: 4.1)

26. State of Odisha -Directions to be complied with:

(i) In terms of direction contained in para 100.2, it is directed to provide 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.

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

26.1 High Court of Odisha -Directions to be complied with:

- (i) In terms of directions contained in para 100.2, it has come to our attention that there is contradiction in the same inasmuch as if there is compliance of Arnesh Kumar (Supra) vis-à-vis compliance of Sections 41 and 41-A of CrPC., then bail ought not to have been granted due to non-compliance of the same. The position on the same is mandated to be clarified and duly furnished.
- (ii) In terms of directions contained in para 100.5, there is partial non-compliance insofar as several districts are insisting for 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, it has come to our attention that the affidavit of the High Court is silent over the constitution of Special Courts in consultation with the respective State Government. The latest status of the same needs to be duly updated and furnished.
- (iv) In terms of directions contained in para 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under

- Section 440 of CrPC, however, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.
- (v) In terms of directions contained in para 100.11, there is partial non-compliance in some districts as regular bail applications are not decided within two weeks. Therefore, needful be done in this regard and compliance of the same be ensured. The relevant information should also be furnished.
 - (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 furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

27. Union Territory of Puducherry -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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 action that has 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 para 100.7, it is directed that the Union Territory shall provide details of Special Courts constituted and the necessary steps taken for the 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 Union Territory to ensure that the prosecutors are stating the correct position of law as per the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra)
 - (c) To train and update the prosecutors on a periodical basis and provide details of the same.

27.1 High Court of Madras (Refer to Serial No: 31.1)

28. State of Punjab -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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.

- (ii) In terms of 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.

28.1 High Court of Punjab and Haryana -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC, notably in districts such as Amritsar, Kapurthala and Mansa. On the basis of the compliance affidavit dated 10.11.2022, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions. Since both situations cannot co-exist and are self-contradictory, the High Court is directed to report on the compliance of the aforementioned directions.
- (ii) In terms of directions contained in para 100.5, there is partial non-compliance insofar as several districts are insisting for 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, it has come to our attention that the affidavit of the High Court is silent over the constitution of Special Courts in consultation with the State Government. The latest status of the same needs to be duly updated and furnished.
- (iv) In terms of directions contained in para 100.8, though the High Court has identified prisoners who are unable to furnish sureties despite bail, detailed information and steps taken to alleviate the situation has however not been provided. Therefore, needful be done in this regard.
- (v) 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.
- (vi) To furnish information on whether the directions in Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

29. State of Rajasthan -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide particulars of First Information Reports of cognizable and non-bailable cases in which the mandate of Sections 41 and 41-A of CrPC has not been followed,

and consequently to provide the details of necessary actions that have been taken against erring police officers.

- (ii) In terms of 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) To train and update the prosecutors on a periodical basis and provide details of the final outcome of the same.

29.1 High Court of Rajasthan -Directions to be complied with:

- (i) In terms of directions contained in para 100.7, it has come to our attention that the affidavit of the High Court is silent over the constitution of Special Courts in consultation with the respective State Government. The latest status of the same needs to be duly updated and furnished.
- (ii) In terms of directions contained in para 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC. However, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.

- (iii) 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 judicial academy curriculum.
- (iv) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

30. State of Sikkim -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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 also 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 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.

30.1 High Court of Sikkim -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC. On the basis of the compliance affidavit, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions. Since both situations cannot co-exist and are self-contradictory, the High Court is directed to report on the compliance of the aforementioned directions.
- (ii) In terms of directions contained in para 100.7, it has come to our attention that the affidavit of the High Court is silent over the constitution of Special Courts in consultation with the State Government. The latest status of the same needs to be duly updated and furnished.
- (iii) In terms of directions contained in para 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC, however, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.
- (iv) In terms of directions contained in para 100.11, there is partial non-compliance in some districts as regular bail applications are not decided

within two weeks. Therefore, needful be done in this regard and compliance be ensured. It is also to be noted that most of the districts show the data as Nil and in some cases N/A against the Anticipatory Bail column. The relevant data needs to be furnished in detail.

31. State of Tamil Nadu -Directions to be complied with:

- (i) In terms of direction contained in para 100.2, it is directed to provide 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.
- (ii) In terms of 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) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).

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

31.1 High Court of Madras -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC. On the basis of the compliance affidavit, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions. Since both situations cannot co-exist and are self-contradictory, the High Court is directed to report on the compliance of the aforementioned directions.
- (ii) In terms of directions contained in para 100.5, there is partial non-compliance insofar as some district courts are insisting for 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 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC, however, subsequently no bail applications were

received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.

- (iv) In terms of directions contained in para 100.11, there is partial non-compliance in some districts as regular bail applications are not decided within two weeks. Therefore, needful be done in this regard and compliance be ensured. The relevant information should also be furnished.
- (v) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

32. State of Telangana -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.

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

32.1 High Court of Telangana -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC. On the basis of the compliance affidavit, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions. Since both situations cannot co-exist and are self-contradictory, the High Court is directed to report on the compliance of the aforementioned directions.
- (ii) In terms of directions contained in para 100.5, there is partial non-compliance insofar as some district courts are insisting for 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 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC, however, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.
- (iv) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.
- (v) 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.

33. State of Tripura -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.

- (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 Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra)
 - (c) To train and update the prosecutors on a periodical basis and provide details of the same.

33.1 High Court of Tripura -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC. On the basis of the compliance affidavit, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions.

Since both situations cannot co-exist and are self-contradictory, the High Court is directed to report on the compliance of the aforementioned directions.

- (ii) In terms of directions contained in para 100.5, there is non-compliance insofar as District courts are insisting for 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 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC, however, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.
- (iv) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.
- (v) 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.

34.State of Uttarakhand -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.
- (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.

34.1 High Court of Uttarakhand -Directions to be complied with:

- (i) In terms of the directions issued in Para 100.2 and 100.3, bail has been granted in non-compliance of Sections 41 and 41-A of CrPC. On the basis of the compliance affidavit, it is noted that bail has been granted for non-compliance even though it has been stated that there is compliance of the said directions. Since both situations cannot co-exist and are self-contradictory, the High

Court is directed to report on the compliance of the aforementioned directions.

- (ii) In terms of directions contained in para 100.5, there is non-compliance insofar as some District courts are insisting for 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 100.8 and 100.9, though the High Court has endeavoured to identify prisoners who are unable to comply with the bail conditions and is stated to have informed them about their rights under Section 440 of CrPC, however, subsequently no bail applications were received under Section 440 of CrPC in most districts. Therefore, the High Court is required to inform on its compliance alone.
- (iv) In terms of directions contained in para 100.11, there is partial non-compliance in some districts as regular bail applications are not decided within two weeks. Therefore, the needful be done in this regard and compliance be ensured. The relevant information should also be furnished.
- (v) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

35. State of Uttar Pradesh -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.
- (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 Siddharth (Supra) and Satender Kumar Antil (Supra).
 - (b) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra).

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

35.1 High Court of Allahabad -Directions to be complied with:

- (i) In terms of the compliance of the directions issued in Para 100.2, the affidavit submitted highlights discrepancy, wherein information highlights compliance of Sections 41 and 41-A of CrPC, however, bail is being granted due to non-compliance of the same in certain districts such as Barabanki, Farrukhabad, Kansiram Nagar, Lakhimpur Kheri, and Moradabad. Since the two conditions cannot co-exist, the High Court is directed to ensure uniform compliance and furnish information on the same.
- (ii) In terms of the directions issued in Para 100.5, the High Court is directed to ensure compliance to the effect that bail applications should not be insisted upon in applications under Sections 88, 170, 204 and 209 of CrPC as they are being insisted upon in certain districts such as Agra, Chitrakoot and Sambhal, and to furnish information on the same.
- (iii) In terms of the directions issued in Para 100.6, the High Court is directed to ensure compliance of the same and furnish information.
- (iv) In terms of the directions issued in Para 100.7, the High Court is directed to ensure compliance with respect to consultation with the State Government for

- constitution of Special Courts and filling vacancies in the existing District Courts, and to furnish information on the steps taken to comply with the same.
- (v) In terms of the directions issued in Paras 100.8 and 100.9, it is noted that despite the identification of undertrial prisoners, sufficient steps have not been taken to ensure compliance by filing applications on their behalf under Section 440 of CrPC, in most districts. The High Court is directed to ensure compliance and furnish information on the same.
- (vi) In terms of the directions issued in Para 100.11, the High Court is directed to furnish complete information regarding the compliance of the directions in all districts and to take steps for compliance.
- (vii) The High Court is directed to identify judicial officers passing orders in non-conformity with the directions issued by this Court in Satender Kumar Antil (Supra), in terms of the order dated 02.05.2023 of this Court, and to provide details as to the actions taken against erring officers.
- (viii) To furnish information on whether the directions of Satender Kumar Antil (Supra) is being applied to petitions under Section 438 of CrPC or not.

36. State of West Bengal -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.

- (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.

36.1 High Court of Calcutta -Directions to be complied with:

- (i) In terms of the compliance of the directions issued in Para 100.2, the affidavit submitted highlights discrepancy in districts such as Alipore and Birbhum, wherein information highlights compliance of Sections 41 and 41-A of CrPC, however, bail is being granted due to non-compliance of the same in districts such as Alipore and Birbhum and the Union Territory of Andaman and Nicobar. Since the two conditions cannot co-exist, the High Court is directed to ensure uniform compliance and furnish information on the same.
- (ii) In terms of the directions issued in para 100.5, some districts have not complied with the same as per the information provided. The High Court is

- directed to ensure uniform compliance of the directions and furnish information on the same.
- (iii) In terms of the directions issued in 100.7, the High Court is directed to take steps to ensure compliance of the same and furnish information.
 - (iv) The directions issued in Para 100.8 as well as 100.9 are noted to have been only partly complied with in most districts barring a few. The High Court is directed to take steps to ensure compliance of the directions issued in their entirety and furnish information on the same.
 - (v) The High Court is directed to provide complete information regarding the compliance of the directions issued in Para 100.11, and ensure compliance of the same.
 - (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.

37. Union of India -Directions to be complied with:

- (i) In terms of the direction contained in para 100.1, the Union is directed to inform the Court as to whether any Bail Law is in contemplation or under preparation.

- (ii) To inform the Court as to whether any assessment has been done to ascertain the requirement of creating further Special Courts (CBI) in districts with high pendency of cases, with requisite data.
- (iii) To inform the Court as to whether or not the investigative agencies (other than CBI) under its ambit are following the directions of this Court as laid down in Satender Kumar Antil (Supra).

38. Central Bureau of Investigation -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/Criminal Manual is being complied with by Investigating Officers.
- (ii) Compliance with order dated 21.03.2023 passed by this Court:
 - (a) To circulate the judgment passed by this Court in Siddharth (Supra) and Satender Kumar Antil (Supra)

(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 detained therein being 'State-List' subject, it is proposed that the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

Standard Operating Procedure

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

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

M.A NO. 2034 OF 2024

IN

SPECIAL LEAVE PETITION (CRL) 5191 OF 2021

IN THE MATTER OF:

SATENDER KUMAR ANTIL

...PETITIONER

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR

...RESPONDENTS

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4.
NEW DELHI
03.08.2024

PROOF OF SERVICE

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

M.A. No. 2034/2022 in MA 1849/2021

In

SLP(CrI.) No. 5191/2021

IN THE MATTER OF:

SATENDER KUMAR ANTIL

PETITIONER

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

...RESPONDENT(S)

COMPLIANCE REPORT OF AMICUS CURIAE, SIDHARTH LUTHRA, SR. ADV.
ALONG WITH AKBAR SIDDIQUE, ADV. ON RECORD.

1. Pursuant to the Order dated 07.05.2024, the Amicus Curiae had written to the various High Courts/States/Union Territories and scheduled VC discussions with them on 15th, 18th and 19th July 2024. The meetings were held to discuss the issue of due compliance, (if not already made) in terms of Order dated 13.02.2024 and 07.05.2024.
2. In this regard, email communications, discussion schedules and links were provided to the concerned parties on 11th July 2024, as per Annexure-A1 to this Report.
3. Despite the Amici Curiae, having provided a dedicated email address i.e., **complianceinantil@gmail.com** to the parties, some parties continued to communicate on the personal email address of the Amici Curiae. After scrutinizing the various communications received, including on the prescribed email address i.e., **complianceinantil@gmail.com**, the Amici curiae prepared a chart of compliance and deficiencies, which was shared with the various parties, who participated in the discussions on 15th, 18th and 19th July 2024.

Copy of sample emails dated 15th, 18th and 19th July 2024, along with the schedule of discussions is annexed as ANNEXURE - A.

4. During the initiation of discussions, it was pointed out that the directions contained in reported judgement dated 11.07.2022 cited as (2022) 10 SCC 51 and subsequent Orders dated 03.02.2023, 21.03.2023, 02.05.2023, 13.02.2024 continue to be relevant even after the coming into force of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) on 1st July, 2024.
5. In this regard, a comparative chart of the relevant provisions is being provided and the provisions in the BNSS which are *pari materia* to the provisions in the CrPC are set out, in the chart annexed and the directions remain substantially valid. The Amicus seeks further directions that the reported judgement dated 11.07.2022 cited as (2022) 10 SCC 51 and subsequent Orders dated 03.02.2023, 21.03.2023, 02.05.2023, 13.02.2024 be continued in the BNSS regime and be applied to under the corresponding provisions of BNSS as well. There are certain additions and minor changes in some BNSS provisions which are contained in the comparative chart of the relevant provisions and this court may contemplate, as to what directions may be passed in relation to the changes that have been brought in Sections of the BNSS, which are in modification to the corresponding CrPC sections.

Comparative Chart of the relevant provisions in the BNSS and CrPC is annexed as ANNEXURE - B.

6. With respect to the State of Andhra Pradesh, due to the change of Government, it was informed that an Affidavit could not be filed by 30.06.2024 as the notification for appointment of Standing Counsel was only issued on 03.07.2024. Affidavits The State of Andhra Pradesh has filed its Affidavit dt. 01.08.2024. The State of

Tamil Nadu (dt.02.08.2024) and the State of Rajasthan (dt.02.08.2024) have also filed their respective Affidavits.

7. Some of the parties were not represented on 15th and 18th July 2024 and were requested to join the discussion on 19th July 2024. Though, the State of Tripura was not represented even on 19th July 2024, the Counsel for the State of Tripura had been contacted and the State of Tripura has also filed an Affidavit (dt.25.07.2024).
8. Furthermore, during the discussions, where the communication had been sent but not noted were pointed out by Amici and some of the Respondents provided the said communications during the discussion.
9. Though, the last date for filing compliance Affidavits was 30th June 2024, in some instances, it was observed that compliance affidavit for some parties was incomplete or that there was part non-compliance or data was not provided. Consequently, the concerned High Courts/States/UTs &/or other parties were requested during the discussions to ensure that there is filing of compliance Affidavit at the earliest to enable the Amicus Curiae to inform the court of the exact status of compliance.
10. Upon initial analysis, preliminary draft charts were shared with the High Courts/States/UTs and other parties. Subsequently, the entire data received was then examined again and after comparative/in depth analysis of all the Affidavits there were still certain discrepancies found in the documents/records attached to reports/affidavits filed.
11. The directions issued by this Hon'ble Court *vide* Order dated 13.02.2024, are being dealt with in chronological order to the corresponding paras the analysis of the Affidavits/Reports filed by the States, UTs and the High Courts is being placed

on record and further directions have been sought thereunder in cases of non-compliance, if any.

The Analysis Report of the Amicus with respect to compliance of High Courts and States/UTs of the Order dt. 13.02.2024 passed by this Hon'ble Court is annexed as ANNEXURE - C.

Further, upon analysing the data provided by various States/UTs and High Courts with respect to alleviating the situation of Undertrial Prisoners (UTPs) who cannot comply with their respective bail conditions, there are some UTPs who are still languishing in Jail despite being granted bail solely on the ground that their family/friends are not coming forward to stand as surety or furnish bonds despite being informed about the same. It is vital to note that there are some cases where the UTPs have continued to be in custody despite being granted bail months ago.

12. A few instances of the aforementioned cases are as follows:

- a) As reflected in the data provided by the High Court of Guahati vide Affidavit dt.09.04.2024 (in Annexure A at Pg.98) a UTP, namely Monteswar Dohutia, has been in custody despite being granted bail vide order dt.27.11.2018 in a case arising out of offences punishable u/S.302 r/w 34 IPC. The reason provided therein is stated as - "*Information regarding granting bail has already been intimated to the family members of the UTP. But till this date no bail bond has been furnished.*".
- b) As reflected in the data provided by NALSA vide Affidavit dt.30.06.2024 (in Annexure B at Pg.29), a UTP, namely Hikavi Awomi, has continued to remain in custody despite being granted bail in a case arising out of offences punishable u/S.306, 365 r/w 34 IPC in the State of Arunachal Paresh. The reason provided therein is stated as - "*Accused person has already been granted bail but, due to inability to produce surety the bail is yet to execute. However, no family or relatives want to file or execute the bail for the accused person.*".

c) As reflected in the data provided by the High Court of Manipur vide Affidavit dt.29.04.2024 (Annexure 3 at Pg.17) a UTP, namely Md. Sajid Khan, has been in custody despite being granted bail in a case arising out of offences punishable u/S.326 & 384 IPC. The reason provided therein is stated as - "*Family members not turning up/responding*"

13. No doubt, the requirement of sureties as a condition to granting bail is relevant to ensuring the presence of the accused to face investigation/trial/proceedings, however if sureties are not available, the matter can be referred to DLSA to take steps in terms of the SOP for implementation of the Scheme for support to poor prisoners as reflected in the order dt.13.02.2024. Specific directions are being sought by the *Amici* to all High Courts and States/UTs to alleviate the situation of such UTPs who are still languishing in Jail due to lack of any family member or friend coming forward to stand as surety or furnish bonds on their behalf.

14. *The following additional directions may be issued to all High Courts and States/UTs:*

(a) *Ensure compliance of the SOP for Undertrial Prisoners as laid down in the order dt.13.02.2024 passed by this Hon'ble Court in those cases where no family member or friend is coming forward to stand as surety or furnish bonds on the behalf of the UTP;*

(b) *Further, Undertrial Prisoners may be released on Personal Bonds in cases where a family member or friend is coming forward to stand as surety or to furnish bonds on behalf of the UTP or where no application u/S.440 has been preferred till date despite being informed about their rights and wherever Aadhaar Card is available, details of such Aadhaar card can be verified or the original Aadhaar Card can be kept in Court as a condition for bail.*



Annexure-A

Akbar Siddique <complianceinantil@gmail.com>



Regarding Schedule of Discussion with Ld. Amicus Curie, Sh. Sidharth Luthra, Sr Adv, In Satender Kumar Antil Vs CBI, In compliance of Order dated 07.05.2024.

5 messages

Akbar Siddique <complianceinantil@gmail.com>

Thu, Jul 11, 2024 at 11:33 PM

To: crimewing.police@punjab.gov.in, anupam@anupamraina.com, sandeep.pamarati@gmail.com, Rangeel Singh <singh.rangeel17@gmail.com>, Apoorv Shukla <shukla.apoorv@gmail.com>, ushome@py.gov.in, dirprpr@gmail.com, unitcas123@gmail.com, M Maroria <mk.maroria@nic.in>, devinasehgalaor@gmail.com, Kunal Chatterji <officeofkunalchatterji@gmail.com>, Kumar Mihir <Mihir.lawyer@gmail.com>, pashupati nath razdan <shaktirazdan82@gmail.com>, Sameer Abhyankar <sameerabhyankar6@gmail.com>, pallavi langar <pallavi.langar@gmail.com>, AYYAM PERUMAL Renganath <raperumal311@gmail.com>, enatoli sema <enatoli@gmail.com>, vksharmaaor@gmail.com, sunnyswaroop@yahoo.co.in, Ramesh Pukhrambam <ramesh1pukhrambam@gmail.com>, adv swati ghildiyal <adv.swati.ghildiyal@gmail.com>, Shaurya@shauryasahay.com, pradepmisra@yahoo.com, ssdlex@gmail.com, Ramesh Babu <rbabumr@gmail.com>, amitpaioffice@gmail.com, prashant singh <Prashant.law9@gmail.com>, rajiv@techlaw.in, astha aor <astha.aor@gmail.com>, aorvishalprasad@gmail.com, nirnimesh aor <nirnimesh.aor@gmail.com>, rglegal@gmail.com, shuvodeep_roy@rediffmail.com, dakshoffice@gmail.com, sandeep@manulawassociates.com, office@akurup.com, Aravindh Selvaraj <arvindadv@yahoo.com>, manan@mananverma.in, SUDARSHAN SINGH RAWAT <sudarshan69rawat@gmail.com>, Office.abhisheksingh@gmail.com, karan sharma <Karan.sh70@gmail.com>, nrshonker@gmail.com, GAGAN GUPTA <gagang222@gmail.com>, "Cc:" <ajaypaladvocate@yahoo.com>, pijoseadvocate@gmail.com, office@tapeshsingh.com, "v.n. raghupathy" <raghupathyvn@gmail.com>, pathaklawyer@gmail.com, sksmchambers@gmail.com, Mahfooz Nazki <mahfooznazki@gmail.com>, nairtgn@gmail.com, Manisha Ambwani <manishaambwani@gmail.com>, chambersofpurvishmalkan@gmail.com, arjun garg <arjun.garg@agalaw.in>, Chambers of Amit Gupta <aguptachambers@gmail.com>, abhimanyu@tewariandassociates.com, manishkumar advocate <manishkumar.advocate@gmail.com>, naba maibam <ghanamaibamadv@gmail.com>, Avijit Mani Tripathi <avijitmani@gmail.com>, d.borkakati@gmail.com, "Adv. Prashant Kenjale" <advprashant@live.com>, arputham25@gmail.com, Ankur Prakash <ankurnagar.adv@gmail.com>, GOVERNMENT ADVOCATE <govtadvdelhi@gmail.com>, Som Goud <somanadri@gmail.com>, roohina16@gmail.com, Aditya Jain <advocateadityajain@gmail.com>, mail <mail@aglaw.in>, malak@malakbhatt.com, jainnikhil@rediffmail.com, ashish_44@hotmail.com, kaushik choudhury <kaushikchoudhury7@gmail.com>, Somesh Chandra Jha <advocatescjh@gmail.com>, Praveen Swarup <swaruppraveen@gmail.com>, g.narayanoffice@gmail.com, Amit Sharma <amitsharmalaw@gmail.com>, Akbar Siddique <akbar.sidd1984@gmail.com>, Rashmi Nandakumar <rashmi.nandakumar@gmail.com>, bobby.supremecourt@gmail.com, pandeyyashmita2@gmail.com, AdvPrashant Singh <advprashantrakeshsingh@gmail.com>, sorules.hchp@hp.gov.in, specialofficersection@gmail.com, Roson Thokchom <thokchomroson2@gmail.com>, lihzu.shiney@aquilaw.com, rl-gujhc-ahd@gujarat.gov.in, highcourt-ua@nic.in, Shyam Prakash <shyamprakash626@gmail.com>, cas121mkm@gmail.com, pijoseadv1@gmail.com, shadulla Shaikh <shaikhshadulla86@gmail.com>, office@sharmachambers.com, Shavesh Singh <shaveshsingh@gmail.com>, courtclerkoframesh@gmail.com, semasingh.office@gmail.com, abhishek singh <abhishekadv.singh@gmail.com>, sanjaipathak.aor@gmail.com, smisraoffice@gmail.com, siddhantaenakshi@gmail.com, rg@allahabadhighcourt.in, reggentaphc@gov.in, hcbom.mah@nic.in, rghe_cal@rediffmail.com, Highcourt.cg@gov.in, rga.dhc@nic.in, rg1.ghc@gmail.com, rg-hc-guj@nic.in, hicourt-hp@nic.in, rg.jkhc@indiancourts.nic.in, hcjmu-jk@nic.in, rgjhc-jhr@nic.in, rghekar@nic.in, hckerala@nic.in, Mphc@nic.in, regrgenl@nic.in, hcm_imphal@yahoo.co.in, Highcourt-megh@meghalayahighcourt.nic.in, Highcourt.or@nic.in, hcpat-bih@nic.in, highcourtchd@indianjudiciary.gov.in, hc-rj@nic.in, hcjaipur-rj@nic.in, rg.sikhc@nic.in, rg.trphc@indiancourts.nic.in, reg.gen-tshc@aij.gov.in, "Cc:" <ayushagarwal.adv@gmail.com>

Good Evening,

In Compliance of the order dated 07.05.2024 passed by Hon'ble Supreme Court in Satender Kumar Antil Vs CBI, please find below the schedule of discussion with Ld. Amicus Curie, Sh. Sidharth Luthra, Sr Adv, and links to access the meeting.

Regards

Akbar Siddique (AC)

Topic: sidharth@sluthra.in's Zoom Meeting- Satender Kumar Antil Vs. CBI

Time: Jul 15, 2024 05:30 PM India

Join Zoom Meeting

<https://us02web.zoom.us/j/88238637688?pwd=xVeXze7fL6Tam6gKrr01SlcEiCZMht.1>

7

Meeting ID: 882 3863 7688

Passcode: 634262

Topic: sidharth@sluthra.in's Zoom Meeting- Satender Kumar Antil Vs. CBI

Time: Jul 18, 2024 05:30 PM India

Join Zoom Meeting

<https://us02web.zoom.us/j/89257337415?pwd=ka3V8VbwMjbqNaaqBUIhvUFcvK8FFV.1>

Meeting ID: 892 5733 7415

Passcode: 622879

Topic: sidharth@sluthra.in's Zoom Meeting- Satender Kumar Antil Vs. CBI

Time: Jul 19, 2024 05:30 PM India

Join Zoom Meeting

<https://us02web.zoom.us/j/88613882869?pwd=mDBm5aze6TsmOx1ajA8eOKEGDtW96q.1>

Meeting ID: 886 1388 2869

Passcode: 791143

2 attachments

 Order dated 7 May.pdf
43K

 Schedule_of_Discussions_in_SATENDER_KUMAR_ANTIL_VS_CBI_&_ANR[1].pdf
59K

Manish Kumar <manishkumar.advocate@gmail.com>
To: Akbar Siddique <complianceinantil@gmail.com>

Fri, Jul 12, 2024 at 12:51 AM

Sir

The State of Bihar has not filed any affidavit pursuant to the last order, since we wanted to join a conference with learned Amicus so that a detailed affidavit of compliance is filed. You are requested to schedule a meeting for the State of Bihar as well.

[Quoted text hidden]

Akbar Siddique <complianceinantil@gmail.com>
To: Manish Kumar <manishkumar.advocate@gmail.com>

Fri, Jul 12, 2024 at 10:57 AM

Dear Sir,

The meeting for the State of Bihar is Scheduled for 19.07.2024 as mentioned in the attached schedule. Kindly let me know any other assistance required.

Regards

[Quoted text hidden]

Jose P I <pjoseadvocate@gmail.com>
To: Akbar Siddique <complianceinantil@gmail.com>

Sat, Jul 13, 2024 at 10:21 AM

Sir,

This is to confirm that I alongwith the concerned officers of GHC will be attending the meeting on 15th.

P.I. Jose

AOR for GHC

[Quoted text hidden]

Akbar Siddique <complianceinantil@gmail.com>
To: homedepartment2b@gmail.com

Wed, Jul 17, 2024 at 5:23 PM

Sir

Please find attached the details of meeting with Ld. Amicus Curie, Sh. Sidharth Luthra, Sr Adv in Satender Kumar Antil Vs CBI. It is informed that the meeting was scheduled on 15.07.2024 but unfortunately, you went unrepresented. Therefore, I am informing you that there has been full compliance from the side of Govt of NCT of Delhi and in case of any questions please feel free to contact me.

Regards

8

(Akbar Siddique) (AC)

[Quoted text hidden]

2 attachments



Order dated 7 May.pdf

43K



Schedule_of_Discussions_in_SATENDER_KUMAR_ANTIL_VS_CBI_&_ANR[1].pdf

59K

SCHEDULE OF DISCUSSIONS
(As per Order dated 07.05.2024)

SIDHARTH LUTHRA, SR. ADV. (AMICUS CURIAE)

WITH

HIGH COURTS/STATES/UNION TERRITORIES & AGENCIES

SR. NO.	15.07.2024 (5:30 PM - 6:30 PM)	18.07.2024 (5:30 PM - 6:30 PM)	19.07.2024 (5:30 PM - 6:30 PM)
1.	High Court of Andhra Pradesh	High Court of Himachal Pradesh	High Court of Meghalaya
2.	State of Andhra Pradesh	State of Himachal Pradesh	State of Meghalaya
3.	High Court of Allahabad	High Court of Jammu & Kashmir and Ladakh	High Court of Odisha
4.	State of Uttar Pradesh	Union Territory of Jammu & Kashmir	State of Odisha
5.	High Court of Bombay	Union Territory of Ladakh	High Court of Patna
6.	State of Maharashtra	High Court of Jharkhand	State of Bihar
7.	State of Goa	State of Jharkhand	High Court of Punjab & Haryana
8.	Union Territory of Dadra & Nagar Haveli and Daman & Diu	High Court of Karnataka	State of Haryana
9.	High Court of Calcutta	State of Karnataka	State of Punjab
10.	State of West Bengal	High Court of Kerala	Union Territory of Chandigarh
11.	Union Territory of Andaman and Nicobar Islands	State of Kerala	High Court of Rajasthan
12.	High Court of Chhattisgarh	Union Territory of Lakshadweep	State of Rajasthan
13.	State of Chhattisgarh	High Court of Madhya Pradesh	High Court of Sikkim
14.	High Court of Delhi	State of Madhya Pradesh	State of Sikkim
15.	NCT of Delhi	High Court of Madras	High Court of Telangana
16.	High Court of Gauhati	State of Tamil Nadu	State of Telangana
17.	State of Arunachal Pradesh	Union Territory of Puducherry	High Court of Tripura
18.	State of Assam	High Court of Manipur	State of Tripura
19.	State of Mizoram	State of Manipur	High Court of Uttarakhand
20.	State of Nagaland	Union of India	State of Uttarakhand
21.	High Court of Gujarat	Central Bureau of Investigation (CBI)	
22.	State of Gujarat	NALSA	

COMPARATIVE CHART OF RELEVANT PROVISIONS

S.NO.	PARAS	CRPC	BNSS	CHANGES
1.	Para 100.1	Sec. 438	Sec. 482	DIRECTION FOR GRANT OF BAIL TO PERSON APPREHENDING ARREST.
2.	Para 100.2 & 100.3	Sec. 41 & 41A	Sec 35	WHEN POLICE MAY ARREST WITHOUT WARRANT. New subsection 7 is added: "No arrest shall be made without prior permission of an officer not below the rank of Deputy Superintendent of Police in case of an offence which is punishable for imprisonment of less than three years and such person is infirm or is above sixty years of age.
3.	Para 100.5	Sec. 88	Sec. 91	POWER TO TAKE BOND OR BAIL BOND FOR APPEARANCE. New proviso is added to subsection (1) regarding taking security from accused not in custody before the magistrate and mandate the Magistrate to accept the same.
		Sec. 170	Sec. 190	CASES TO BE SENT TO MAGISTRATE, WHEN EVIDENCE IS SUFFICIENT. The words "or bail bond" are added in heading and words "bond with or without sureties" are replaced by "bond or bail bond".
4.	Para 100.8/ 100.9	Sec. 440	Sec. 484	AMOUNT OF BOND & REDUCTIONS THEREOF.
5.	Para 100.7 /100.10	Sec. 436A	Sec. 479	MAXIMUM PERIOD FOR WHICH AN UNDERTRIAL PRISONER CAN BE DETAINED. "Or life imprisonment is added." One new proviso is added to subsection (1), which states about the bail of first-time offenders. Two new subsections (2) and (3) are added, which are about bail for individuals having multiple pending investigations, inquiries or trials for more than one offence, and applications by the superintendent of jail where the accused person is detained, respectively. "bail" is added in place of "his personal bond with or without sureties," "also" is used in place of "further

SR. NO. 9 - UNION TERRITORY OF NCT OF DELHI

1. The Govt. of NCT of Delhi has filed Affidavits dated 13.03.2023, 07.07.2023 & 26.04.2024.

2. **Para 100.2 and 100.4: Part Compliance.** NCT Delhi in its Affidavit dt.26.04.2024 records in **Para. 5 and Annexure A-4** that no such case has come to notice in which the mandate of S.41, 41A CrPC has not been complied with by the Investigating Officers. However, as per the Affidavit dt.26.04.2024 filed by the High Court of Delhi, certain Police Stations (in some cases) have not complied with the mandate of S.41A CrPC in the NCT of Delhi. Details of such instances are as follows:
 - 1) FIR No.168/2022, PS Lahori Gate;
 - 2) FIR No. 22/24 - PS Special Cell;
 - 3) FIR No. 43/2024, PS Special Cell;
 - 4) FIR No.65/2024, PS Vasant Kunj (South);
 - 5) FIR No.99/2024, PS Sarojini Nagar;
 - 6) FIR No.365/2023, PS Naraina;
 - 7) FIR No.218/2019, PS Naraina;
 - 8) FIR No. 200/2024, PS IGI Airport;
 - 9) As per list provided by Ms. Sonika, MM-04, Karkardooma (Entry 20 of the Tabular Chart but the mentioned list is not part of it);
 - 10) FIR No. 167/2024, PS Swaroop Nagar;
 - 11) FIR No. 875/2022, PS NIA;
 - 12) FIR No. 265/2023, PS NIA;
 - 13) eFIR No. 69/23, PS Shahbad Dairy;
 - 14) eFIR No. 146/23, PS Shahbad Dairy;
 - 15) eFIR No. 113/23, PS Shahbad Dairy;
 - 16) eFIR No. 121/23, PS Shahbad Dairy;
 - 17) eFIR No. 159/23, PS Shahbad Dairy;

- 18) eFIR No. 77/23, PS Shahbad Dairy;
- 19) eFIR No. 98/23, PS Shahbad Dairy;
- 20) eFIR No. 39/23, PS Shahbad Dairy;
- 21) eFIR No. 108/23, PS Shahbad Dairy;
- 22) eFIR No.171/23, PS Shahbad Dairy;
- 23) eFIR No. 107/23, PS Shahbad Dairy;
- 24) eFIR No. 209/23, PS Shahbad Dairy;
- 25) eFIR No. 110/23, PS Shahbad Dairy;
- 26) eFIR No.2833/23, PS NIA;
- 27) FIR No.261/23, PS Uttam Nagar;
- 28) FIR 435/2023, PS (details not provided in Chart) [Ms. Aishwariya Sharma, MM-01 - Dwarka];

There is a contradiction between the data provided by the High Court of Delhi and the NCT of Delhi with respect to compliance of Para. 100.2 by Police officers in the NCT of Delhi. NCT of Delhi be directed to clarify the contradiction in data and provide details of action taken against the erring Police Officers.

3. **Para. 100.4:** Complied with. The Standing Order bearing No. 109/2020 has been issued by the NCT of Delhi in the past and the same was adopted as the Model Standing Order.
4. **Para. 100.7:** Complied with. As per Paras. 6-7 & Annexures A-5 to A-9 of the Affidavit dt.26.04.2024, Special Courts - have been established/designated for offences under the PC Act, NIA & UAPA Act, Income Tax Act, 1961 & Black money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015.

5. Regarding training program in terms of Order dated 21.03.2023 for Prosecutors, compliance is shown in the Affidavit dt.07.07.2023 [Annexure R/2-R/4] wherein strict compliance of orders of this Hon'ble Court was instructed to prosecutors and any default was to be viewed seriously and necessary action was proposed to be initiated against the erring officers. As per the Affidavit dt.07.07.2023 (Pg.32), training programme for prosecutors was organised by Delhi Judicial Academy.
6. The Affidavit dt.26.04.2024 filed by the NCT of Delhi is silent on the constitution of 'Empowered Committees' and an 'Oversight Committee' to help the poor prisoners as directions of this Hon'ble Court *vide* order dt.13.02.2024 (Para. I). The data provided by the High Court of Delhi, shows that the said committees have been constituted.
7. *Directions are sought to be issued to the NCT of Delhi as under and to file a compliance report before this Hon'ble Court:*
 - (i) *Provide a clarification with respect to the instances of non-compliances of Para.100.2 by Police Officers in the aforementioned cases mentioned in Para. 2 (based on the data provided by the High Court of Delhi) and provide details of action taken against the said erring officers as mandated by Para.100.2;*

SR. NO. 9.1 - HIGH COURT OF DELHI

1. The High Court of Delhi has filed the an Affidavit dated 26.04.2024
2. **Para 100.2 and 100.3: Complied with** as per the Affidavit dt.26.04.2024. However, an analysis of the charts show that in so far as the directions in para. 100.2 are concerned, **certain Police Stations (in some cases) have not complied with the mandate of S.41A CrPC and bail has been accordingly granted by the Courts concerned in compliance of para. 100.3.**

Details of such instances are below. The fact of non-compliance and necessary action taken against the said officers will have to be **explained by NCT Delhi** (*in contradiction to what is stated in A-4 i.e., lt.dt.27.03.2024 in Affidavit filed by NCT Delhi*):

- (i) FIR No.168/2022, PS Lahori Gate;
- (ii) FIR No. 22/24 - PS Special Cell;
- (iii) FIR No. 43/2024, PS Special Cell;
- (iv) FIR No.65/2024, PS Vasant Kunj (South);
- (v) FIR No.99/2024, PS Sarojini Nagar;
- (vi) FIR No.365/2023, PS Naraina;
- (vii) FIR No.218/2019, PS Naraina;
- (viii) FIR No. 200/2024, PS IGI Airport;
- (ix) As per list provided by Ms. Sonika, MM-04, Karkardooma (Entry 20 of the Tabular Chart but the mentioned list is not part of it);
- (x) FIR No. 167/2024, PS Swaroop Nagar;
- (xi) FIR No. 875/2022, PS NIA;
- (xii) FIR No. 265/2023, PS NIA;
- (xiii) eFIR No. 69/23, PS Shahbad Dairy;
- (xiv) eFIR No. 146/23, PS Shahbad Dairy;
- (xv) eFIR No. 113/23, PS Shahbad Dairy;
- (xvi) eFIR No. 121/23, PS Shahbad Dairy;

- (xvii) eFIR No. 159/23, PS Shahbad Dairy;
- (xviii) eFIR No. 77/23, PS Shahbad Dairy;
- (xix) eFIR No. 98/23, PS Shahbad Dairy;
- (xx) eFIR No. 39/23, PS Shahbad Dairy;
- (xxi) eFIR No. 108/23, PS Shahbad Dairy;
- (xxii) eFIR No.171/23, PS Shahbad Dairy;
- (xxiii) eFIR No. 107/23, PS Shahbad Dairy;
- (xxiv) eFIR No. 209/23, PS Shahbad Dairy;
- (xxv) eFIR No. 110/23, PS Shahbad Dairy;
- (xxvi) eFIR No.2833/23, PS NIA;
- (xxvii) FIR No.261/23, PS Uttam Nagar;
- (xxviii) FIR 435/2023, PS (details not provided) [Ms. Aishwariya Sharma, MM-01 - Dwarka];
- (xxix) FIR No. RC0032023A0016 [Details have to be sought from the CBI];

3. **Para 100.5: Complied with.**
4. **Para 100.6: Complied with.**
5. **Para 100.7: Complied with.**
6. **Para 100.8 and 100.9: Complied with.** As per **Para. 9** along with the data provided in the Affidavit dt.26.04.2024 filed by the High Court, the mandate of para. 100.8 and 100.9 have been complied with. Steps are being taken in terms of either reducing the surety amount, releasing the UTPs on personal bond or referring them to District Legal Services Authority and Oversight Committee and Empowered Committee for further action.
7. **Para 100.10: Complied with.**
8. **Para 100.11: Complied with.**
9. Compliance Affidavit dt.04.08.2023 records that directions in Order dated 21.03.2023, reiterated in Order dated 02.05.2023 for introduction of

Siddharth vs. State of UP (2022) 1 SCC 676 and the 11.07.2022 judgment being (2022) 10 SCC 51 in the curriculum of State Judicial Academy are complied with.

10. The affidavit records that directions in *Satender Kumar Antil Vs CBI, (2022) 10 SCC 51* and directions of Order dated 02.05.2023 are being applied to applications under Section 438 CrPC by Courts.

