

**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (S-W)
DWARKA COURTS, NEW DELHI**

CIRCULAR

It has come to the knowledge of the undersigned, especially during holding meeting of 'Under-trial Review Committee', Dwarka Courts, New Delhi, that on few occasions, the bail orders were not transmitted promptly to the concerned Jail Superintendent, due to which the release of UTPs got delayed, unnecessarily.

It is impressed upon all Judicial Officers, exercising criminal jurisdiction at South-West District, Dwarka Courts to ensure that the relevant bail order/personal bond order reaches immediately to the concerned Jail Superintendent. In this regard, it is also very pertinent to take note of the following important directions contained in Order dated 31.01.2023 passed by Hon'ble Supreme Court of India, in *Suo Moto Writ Petition (Crl.) No. 4/2021* titled "In Re: Policy Strategy for Grant of Bail":-

"1) The Court which grants bail to an undertrial prisoner/convict would be required to send a soft copy of the bail order by e-mail to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software [or any other software which is being used by the Prison 10 Department].

2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.

4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety.

5) In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.

6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/ relaxation

7) One of the reasons which delays the release of the accused/ convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety."

All the learned Judicial Officers, exercising criminal jurisdiction, are requested to strictly adhere to aforesaid directions.

Sd/-

(Manoj Jain)

Principal District & Sessions Judge (S-W),
Dwarka Courts, New Delhi

No. 4111-4168/PD&SJ/MJ/DWK/2023

Dated: 15.02.2023

Copy forwarded for information and further necessary action to:

1. All Judicial Officers, exercising criminal jurisdiction at South-West District, Dwarka Courts.
2. The Chief Metropolitan Magistrate (S-W), Dwarka Courts.
3. The Secretary, DLSA (S-W), Dwarka Courts.
4. PS to the undersigned.

Sd/-

Principal District & Sessions Judge (S-W),
Dwarka Courts, New Delhi