THE HIGH COURT OF ORISSA : CUTTACK

No.XI-10/2022/.....14467(30)...../ Dated.....13/09/2024.....

From;

Asanta Kumar Das,
Registrar General

To,

The District & Sessions Judge,..... (All)

Sub: **Forwarding of Judgment dated 6th August, 2024 passed by Hon'ble the Supreme Court of India in M.A. No.2034/2022 in M.A. No.1849/2021 in SLP (Crl.) No(s). 5191/2021 (Satender Kumar Antil Vrs. CBI & Anr.)**

Sir,

With reference to the subject cited above, I am directed to forward herewith a copy of the Judgment dated 6th August, 2024 passed by Hon'ble the Supreme Court of India in M.A. No.2034/2022 in M.A. No.1849/2021 in SLP (Crl.) No(s). 5191/2021 (Satender Kumar Antil Vrs. CBI & Anr.) for your information and circulation of the same amongst all the Judicial Officers working in your respective judgeships for their information and strict adherence.

Further, I am directed to request you to submit the report showing non-compliance of Para-100.2 and/or Para-100.3 of Satender Kumar Antil Vs. CBI & Anr., (2022) 10 SCC 51 case, to this Hon'ble Court, on monthly basis, for being placed before this Hon'ble Court.

Yours faithfully,

13.09.2024

REGISTRAR GENERAL

Encl.: As above.

e-mail:- rulesohc@gmail.com

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
RECORD OF PROCEEDINGS

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. Tapesh 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. Sibo 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 Paradesh, 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 Stae of Sikkim, Mr. Aravindh S.Advocate of U.T. Pudducherry, Ms. D.Bharthi Reddy, Advocate for High Court of Uttrakhand,Mr. Tapesh 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

Signature Not Verified
Digitally signed by rashmi dhyani
Date: 2022.08.22 17:20:45 IST
Reason:

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 forState 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

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Mr. Parv K Garg, Adv.
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For Respondent(s) **Mrs. Aishwariya Bahti, A.S.G.**
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Mr. Sunny Sachin Rawat, Adv.

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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. <u>State of Andhra Pradesh - Directions to be complied with:</u>

(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 Distrcit); 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)