



THE HIGH COURT OF KERALA

Ernakulam-682031

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Date: 22-06-2023

No: DI-3/ 123225/2022

OFFICIAL MEMORANDUM

Sub : Granting of bail – directions of the Hon'ble Supreme Court – reg.

Ref : 1. Judgment of the Hon'ble Supreme Court dated 11-07-2022 in

M.A.No.1849 of 2021 in SLP(Crl.) No.5191 of 2021.

2. High Court OM of even number dated 14-10-2022.

3. High Court OM of even number dated 25-02-2023.

4. Order of the Hon'ble the Supreme Court dated 02-05-2023 in

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

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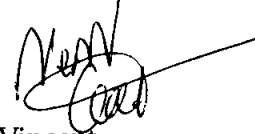
With reference to the judgment of the Supreme Court cited 1st above, this Court had issued various directions to the District Judiciary, vide OM cited 2nd above. Subsequently, this court had collected a tabular data from the district judiciary in the matter, vide OM cited 3rd above. Now, as per order cited 4th above, the Supreme Court observed that there is non-compliance of certain directions in certain districts.

In the above circumstance, the Principal District & Sessions Judges are directed to collect the data as shown in table-1 from all judicial officers presiding the Criminal Courts in the District Judiciary and to furnish the same to this Court before 15-07-2023. If there is non-compliance, the reason for the same also should be reported.

The Principal District Judges are also requested to ensure that no under trial prisoner, whose trial is pending before the Court in their respective district, remains in custody in violation of the mandate of Section 436A of Cr.P.C. and if any under trial prisoner is identified, they shall make necessary arrangements to conduct an exercise as directed earlier by the Supreme Court in *Bhim Singh*

v. Union of India,(2015) 13 SCC 605, to ensure compliance of Section 436A of the Cr.P.C. They are also requested to furnish a report regarding the same to this Court before 15-07-2023.

(By Order)



P.J. Vincent

Registrar (District Judiciary)

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Table -1

Judicial District :

S.No.	Name of the Court.	Whether Compliance of the directions issued by Hon'ble Supreme Court of India in Amesh Kumar v. State of Bihar(2014) 8 SCC 273 is being made specifically with regard to Section 41 and 41A of Cr.PC	Whether any accused has been granted bail due to non compliance of section 41 and 41A Cr.PC.	Whether Courts are insisting for bail application while considering the bail application u/s.88, 170,204 & 209 of Cr.PC.	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth v. State of U.P.(2021) is being strictly complied with.	Whether directions passed in Bhim Singh v. Union of India (2015) for release of under trial prisoners eligible for bail under Sec.436A of Cr.PC are being complied with.	Whether the regular bail application are decided within 2 weeks.	Whether the anticipatory bail application are being decided within six months.
1	2	3	4	5	6	7	8	9

To

All the Principal District & Sessions Judges in the State and the Principal District Judge, Kavaratti. (They shall communicate it to all the judicial officers presiding over the Criminal Courts in their respective judicial district immediately)

The ARS, High Court.

The Stock file.