

ITEM NO.16

Court 6 (Video Conferencing)

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 4633/2021

(Arising out of impugned final judgment and order dated 20-11-2018 in CRMB No. 209280/2017 passed by the High Court Of Judicature At Allahabad)

SAUDAN SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH
(FOR ADMISSION and I.R.)

Respondent(s)

WITH

SLP(Cr1) No. 4634/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4849/2021 (II)
(FOR ORDERS ON THE QUESTION OF MAINTAINABILITY OF PETITION.)

SLP(Cr1) No. 4844/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4848/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4847/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4643/2021 (II)
IA NO.97177/2021- FOR IMPLEADMENT

SLP(Cr1) No. 4396/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4642/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4641/2021 (II)
(FOR ADMISSION and I.R.)
IA NO.102634/2021- FOR IMPLEADMENT

SLP(Cr1) No. 4640/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4332/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4639/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4638/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4213/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4637/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4635/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 4636/2021 (II)
(FOR ADMISSION and I.R.)

SLP(Cr1) No. 5472/2021 (II)

Date : 25-08-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)	Mr. Viraj R. Datar, Sr. Adv. Mr. Nagendra Singh, Adv. Mr. Ronak Karanpuria, AOR Mr. Rahul Kumar Chaudhary, Adv. Mr. Pardeep Gupta, Adv. Mr. Parinav Gupta, Adv. Mr. Krishna Kumar, Adv. Ms. Mansi Gupta, Adv. Ms. Nandini Gupta, Adv. Dr. (Mrs.) Vipin Gupta, AOR
For Respondent(s)	Ms. Garima Prasad, Sr. Adv./Ld. AAG Mr. Shashank Shekhar Singh, AOR Ms. Garima Prasad, Sr. Adv./Ld. AAG Mr. Sarvesh Singh Baghel, AOR
16.16	Ms. Garima Prasad, Ld. AAG Mr. Ajay Vikram Singh, AOR Mr. Shantannu Singh, Adv. Mrs. Priyanka Singh, Adv. Mr. Chandra Shekhar, Adv.
16	Ms. Garima Prasad, Ld. AAG Mr. Ajay Vikram Singh, AOR

Mr. Shantannu Singh, Adv.
Mrs. Priyanka Singh, Adv.
Mr. Chandra Shekhar, Adv

Mr. Vishnu Shankar Jain, AOR
Ms. Deepika Kalia, Adv.

Interveners Mr. Manish Shanker Srivastava, Adv.
 Mrs. Pallavi Singh, Adv.
 Ms. Kalpana, Adv.
 Mr. Abhishek Kumar Singh, AOR

Impleadment Ms. Sweta Rani, AOR
 Mr. Anant Agarwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have considered the suggestions/proposals for grant of bail in matters where the criminal appeals are pending for a long period of time, more specifically, the State of Uttar Pradesh.

It is the submission of Mr. Viraj R. Datar, learned senior counsel that some of these suggestions/proposals are more onerous than the U.P. Prisoners' Release on Probation Rules, 1938. He submits that he will file these with advance copy to learned counsel for the State of Uttar Pradesh within three days.

On our query, learned Additional Advocate General submits that some discussion in this behalf in respect of the suggestions has been held with the Registrar of the High Court. We may note some of the concerns expressed i.e. the unwillingness to argue the appeal and insist on bail being granted, once a prisoner is enlarged on bail, the refusal to join proceedings and then tracing them out again etc.

Suffice for us to say that cases where bail is granted, it should be with directions that for every hearing before the High Court, the convict must appear in person coupled with a condition that during the period of bail he would report to the local police station at least once a month on a designated date and time failing which bail would stand cancelled apart from any other condition which would be imposed. This would keep track of the accused who has been enlarged on bail.

Before giving our imprimatur to any suggestions/proposals, we find it appropriate that the High Court itself examines it and makes its own suggestions, as may be appropriate.

We thus, consider it appropriate to issue notice to the Allahabad High Court through the Registrar for the said purpose.

A copy of the order would accompany the notice.

Needless to say that the material placed before us by the learned Additional Advocate General and as would be filed by Mr. Viraj R. Datar, learned senior counsel would also be placed before the High Court for consideration and making suggestions.

List on 22.09.2021.

We would expect that even before the next date, the State Government itself will take a proactive action

including consideration of the cases under the U.P.
Prisoners' Release on Probation Rules, 1938.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)