

From,
Registrar General,
High Court of Uttarakhand
Nainital.

To,
All the District Judges,
State Judiciary, Uttarakhand.

C.L. No. 09 /UHC/Admin.B/2023

Dated: 09/05/2023.

Subject :- Implementation of Orders issued by Hon'ble Supreme Court in SLP (Crl.) No. 5191 of 2021 titled as Satender Kumar Antil vs. CBI and Anr.

Sir/Madam,

Apropos to the subject noted above, I am directed to inform you that Hon'ble the Supreme Court has taken a serious note upon the practice of Judicial Officers of dealing in matters of custody and bail in lackadaisical manner even after clear directions issued in this regard time and again.

2. In terms of the Judgment & Order dated 11.07.2022 (*copy enclosed*) passed by the Hon'ble Supreme Court of India in M.A. No. 1849 of 2021 in SLP (Crl.) No. 5191 of 2021 (*Satender Kumar Antil vs. CBI & Anr.*), this Hon'ble Court has been pleased to issue the following directions:-

I. Any dereliction on the part of the investigating agencies and their officers to comply with the mandate of Section 41 and 41A of the Code of Criminal Procedure and the directions issued by the Hon'ble Supreme Court of India in ***Arnesh Kumar Case*** has to be brought to the notice of the higher authorities by the Court concerned followed by appropriate action.

II. All the courts will have to satisfy themselves on the compliance of Section 41 and 41A of the Code of Criminal Procedure.

III. There need not be any insistence of a bail application while considering the application under Section 88, 170, 204 and 209 of the Code of Criminal Procedure.

IV. There needs to be a strict compliance of the mandate laid down in the Judgment of the Hon'ble Supreme Court in ***Siddharta v. State of UP (2021) 1 SCC 676.***

V. While insisting upon sureties the mandate of Section 440 of the Code has to be kept in mind.

VI. An exercise will have to be done in a similar manner to comply with the mandate of Section 436A of the Code at all level as directed by the Hon'ble Supreme Court of India in ***Bhim Singh v. Union of India, (2015) 13 SCC 605.***

VII. Bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise, with the exception being an intervening application. Applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application.

3. It is therefore requested to circulate the aforesaid directions amongst all the Judicial Officers in your respective Judgeship for information and to ensure strict compliance.

4. You are further requested to monitor the Strict Compliance of the same and to submit the compliance report to this Hon'ble Court, by 10th of every month positively.

Regards.

Yours sincerely,

Sd/-

(Anuj Kumar Sangal)
Registrar General

Encl: As above.

No. 2191 /UHC/Admin.B/2023

Dated: 09/05/2023.

Copy for information and necessary action to:-

- (i) Principal Secretary, Home, Dehradun.
- (ii) DGP, Uttarakhand Police, Dehradun.
- (iii) Director, Uttarakhand Judicial & Legal Academy, Bhowali, Nainital.
- (iv) All the Family Court Judges, State of Uttarakhand.
- (v) Chairman, Commercial Tax Tribunal, Dehradun.
- (vi) Chairman, State Transport Appellate Tribunal, Dehradun.
- (vii) Registrar, State Consumer Redressal Commission, Dehradun.
- (viii) Member Secretary, Uttarakhand State Legal Services Authority, Nainital.
- (ix) Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
- (x) Presiding Officer, Labour Courts, Dehradun, Haridwar & Kashipur, District Udham Singh Nagar.

- (xi) Presiding Officer, Food Safety Appellate Tribunal, Dehradun & Haldwani.
- (xii) Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
- (xiii) Chairman, Uttarakhand Cooperative Tribunal, Dehradun.
- (xiv) Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
- (xv) Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
- (xvi) All the Registrars of the Court.
- (xvii) Joint Registrars, Deputy Registrars, Asstt. Registrars & Section Officers of the Court.
- (xviii) Computer Section of the High Court with a direction to upload the same in the website of the High Court of Uttarakhand.
- (xix) Guard File.

Sd/-

Assistant Registrar
Admin. B