

# **HIGH COURT OF UTTARAKHAND AT NAINITAL**

## **NOTIFICATION**

**No. 338/UHC/ADMIN.B/v-a-2/2024**

**Dated:14/27.08.2024**

**Subject:- Listing of Bail Application arising out of same FIR.**

Pursuant to the observations made by the Hon'ble Supreme Court of India in Judgment dated 19<sup>th</sup> January, 2024 passed in Criminal Appeal No. 303 of 2024 titled as "Kusha Duruka vs. The State of Odisha" arising out of SLP (Crl.) No. 12301 of 2023, the Hon'ble High Court of Uttarakhand is pleased to issue following directions in the matter of filing and hearing of the Bail Applications arising out of same FIR:

### **1. Instructions for Learned Counsel/Parties**

The following details shall mandatorily be mentioned in the application(s) filed for grant of bail U/s. 438 & 439 of Cr.P.C. arising out of the same F.I.R.:

- (a) Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.
- (b) Details of any bail application(s) filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.
- (c) Details of the bail application whether it is first, second or third and so on, below the cause title (*in bold letters*), for convenience of the court to appreciate the argument in that light and enables the next higher court to appreciate the arguments later.

### **2. Instructions for Registry**

- (a) At the time of institution of Bail Application, Institution Section will annex a report to the effect as to whether any Bail Application, filed by different accused in the same FIR is already decided or pending before this Hon'ble Court. If yes, mention the Bench Name, before whom, Bail Application of accused is pending or was disposed of/withdrawn/not pressed.
- (b) All bail applications filed by the different accused in the same FIR should be listed before the same Bench. Meaning thereby, in case, a bail application filed by different accused in the same FIR/ case crime is disposed

by one Bench, the fresh/pending Bail Application of the other co-accused be listed before the same Bench. In case all the previous Bail Applications of the co-accused have been disposed of by different Benches, including the bench already having the Roster of the fresh or pending Bail Application of the co-accused, the Bail Applications shall be listed as per the Roster.

(c) The Registry shall annex a report generated from the Case Information System about decided or pending bail application(s) in the crime case in question. The same system shall be followed even in the case of private complaints as all cases filed in the trial courts are assigned specific numbers (CNR No.), even if no FIR number is there.

(d) In the event the Hon'ble Judge is not available on account of superannuation, transfer etc. or recuses, the said application shall be listed before the Hon'ble Judge who next disposed of any of those bail applications, and so on. If none of the Hon'ble Judges who decided the earlier bail applications is available, the application shall be listed before the regular Bench as per roster.

(e) In all other matters, Bail Applications of the co-accused be listed as per the specific orders of Hon'ble the Chief Justice.

3. Investigating Officer/any officer assisting the State Counsel in Court shall apprise the Counsel with regard to order(s), if any, passed by the court with reference to different bail application or other proceedings in the same crime case.

Aforesaid directions are accordingly in supersession of Office Memo No. 60/UHC/Listing Section/2021 dated 25.08.2021 regarding List of Bail Application of Co-Accused.

**Sd/-**

Registrar General  
High Court of Uttarakhand

**No.4668/UHC/ADMIN.B/v-a-2/2024**

**Dated:14/27.08. 2024**

**Copy forwarded to:**

1. P.P.S. to Hon'ble the Chief Justice.
2. All the P.S./P.A.(s) of Hon'ble Judges with the request to place it before His Lordship's kind perusal.
3. Ld. Advocate General, Uttarakhand & Ld. CSC, Uttarakhand.
4. Chairman, Uttarakhand Bar Council.
5. President/Secretary, High Court Bar Association, Nainital.

6. All District Judges/Principal Judge/Judge Family Courts for information and necessary action.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
8. Member Secretary UKSLSA, Nainital.
9. All Registrar(s) of the Hon'ble Court.
10. All JRs/DRs/ARs of the Hon'ble Court.
11. Head Bench Secretary with a request to circulate amongst all the Bench Secretaries.
12. Deputy Registrar (Judicial) of the Hon'ble Court for information and necessary action.
13. Deputy Registrar, Computer Section with a request to upload the notification in official website of the Hon'ble Court.
14. Notice Board/Guard file

Sd/-  
Deputy Registrar  
Admin-B