

--:: कार्यालय प्रधान जिला एवं सत्र न्यायाधीश, उज्जैन (म.प्र.) ::--

पृष्ठांक 3231 / एक-6-2/11

03 APR 2024
उज्जैन, दिनांक अप्रैल, 2024

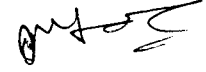
प्रतिलिपि :-

1.

(समस्त न्यायिक अधिकारीगण जिला उज्जैन)

की ओर माननीय उच्च न्यायालय मध्यप्रदेश, जबलपुर द्वारा प्रेषित ज्ञापन क्रं. सी/2923 दिनांक 01.04.2024 मय सहपत्रों के सूचनार्थ एवं इस टीप के साथ प्रेषित कि ज्ञापन में दिये गये निर्देशानुसार वांछित जानकारी निर्धारित प्रपत्र में दिनांक 04.04.2024 तक आवश्यक रूप से कार्यालय में प्रेषित करना सुनिश्चित करें।

संलग्न : उपरोक्तानुसार



वास्ते/- प्रधान जिला एवं सत्र न्यायाधीश,
उज्जैन (म.प्र.)

Sw
01.04.24

HIGH COURT OF MADHYA PRADESH : JABALPUR

No. C/2923
...../
III-1-5/57 Ch.-10

Jabalpur, dated 1.. /04/2024

To,

The Principal District & Sessions Judges,
All in the State

Subject:- Regarding compliance of orders of Hon'ble Supreme Court order dated 13.02.2024 in the matter of M.A. No. 2034/2022 in M.A. No. 1849/2021 in SLP (Crl.) No. 5191/2021 titled as Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.

Reference:- Letter of Shri Arjun Garg, Advocate on Record, dated 23.02.2024 and Registry memo no(s). A/400 dated 14.02.2023 and B/2825 dated 19.04.2023.

Sir/Madam

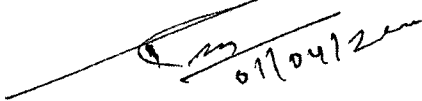
In continuation to the aforementioned Registry memo, I am directed to request you to kindly provide information with regard to compliance of direction given by Hon'ble Supreme Court in the above order in format 'A' as under:-

Statement showing the information in respect of the compliance of aspect mentioned in order of Hon'ble Supreme Court in the matter of M.A. No. 2034/2022 in M.A. No. 1849/2021 in SLP (Crl.) No. 5191/2021 titled as Satender Kumar Antil Vs. Central Bureau of Investigation & Anr. of District

Sr. No.	Name of District	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73 (c)] of	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Remarks
1	2	3	4	5

Kindly send the information to this Registry at the earliest on or before 05.04.2024 on email marking mphcchk@gmail.com, treating it Urgent.

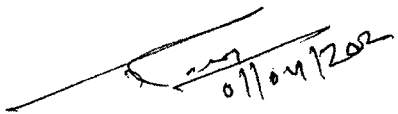
- Note:-
1. The Courts mentioning 'No' in column no. 3 are requested to inform as to why they are not giving the benefit of bail to the accused due to non-compliance of Sec. 41 and 41-A Cr.P.C.
 2. Kindly specifically mentioned in remarks column as to whether the case/case(s) of the aforementioned Ss. i.e. Sec. 41 and 41-A Cr.P.C. has/have been produced before them?
 3. The Courts mentioning 'Yes' in column no. 4 are requested to inform as to why they are not complying with the directions issued in the matter of Siddharth Vs. State of U.P., reported in (2022) 1 SCC 676.


(RUPAM VEDI)
REGISTRAR (Works & Infrastructure)

Endt. No. 2924
III-1-5/57 Ch.-10

Jabalpur, dated 01/04/2024

Copy forwarded to Registrar (I & L) for information and necessary action.


(RUPAM VEDI)
REGISTRAR (Works & Infrastructure)

PART A (Consolidated District as a whole)								
S. N.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Armesh Kumar Vs. State of Bihar" (2014) 8 SCC 273 is being made specially with regard to Section 41 and 41 A of CrPC [para 73 (b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73 (c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth Vs. State of UP (2021) 1 SCC 676 is being strictly complied with [para 73 (f)]	Whether directions passed in Bhim Singh Vs. UOI (2015) 13 SCC 605 for release of Under trial Prisoners eligible for bail under section 436A of CrPC are being complied with [para 73 (j)]	Whether the regular bail application are decided within 2 weeks. [para 73 (k)]	Whether the anticipatory bail application are being decided within six weeks. [para 73 (k)]
1	2	3	4	5	6	7	8	9
1	Alirajpur	YES	YES	NO	YES	YES	YES	YES
2	Anuppur	YES	NO	NO	YES	YES	YES	YES
3	Ashoknagar	YES	NO	NO	YES	YES	YES	YES
4	Balaghat	YES	NO	YES	YES	YES	YES	YES
5	Barwani	YES	YES	NO	YES	YES	YES	YES
6	Betul	YES	NO	NO	YES	YES	YES	YES
7	Bhind	YES	NO	NO	YES	YES	YES	YES
8	Bhopal	YES	NO	YES	YES	YES	YES	YES
9	Burhanpur	YES	NO	NO	YES	YES	YES	YES
10	Chhatarpur	YES	YES	YES	YES	YES	YES	YES
11	Chhindwara	YES	YES	YES	YES	YES	YES	YES
12	Damoh	YES	NO	NO	YES	YES	YES	YES
13	Datia	YES	YES	YES	YES	YES	YES	YES
14	Dewas	YES	NO	NO	YES	YES	YES	YES
15	Dhar	YES	NO	NO	YES	YES	YES	YES
16	Dindori	YES	NO	NO	YES	YES	YES	YES
17	Guna	YES	NO	NO	YES	YES	YES	YES
18	Gwalior	YES	NO	NO	YES	YES	YES	YES
19	Harda	YES	NO	NO	YES	YES	YES	YES
20	Indore	YES	NO	NO	YES	YES	YES	YES
21	Jabalpur	YES	NO	NO	YES	YES	YES	YES

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S. N.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Armesh Kumar Vs. State of Bihar" (2014) 8 SCC 273 is being made specially with regard to Section 41 and 41 A of CrPC [para 73 (b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73 (c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth Vs. State of UP (2021) 1 SCC 676 is being strictly complied with [para 73 (f)]	Whether directions passed in Bhim Singh Vs. UOI (2015) 13 SCC 605 for release of Under trial Prisoners eligible for bail under section 436A of CrPC are being complied with [para 73 (j)]	Whether the regular bail application are decided within 2 weeks. [para 73 (k)]	Whether the anticipatory bail application are being decided within six weeks. [para 73 (k)]
1	2	3	4	5	6	7	8	9
22	Jhabua	YES	NO	YES	YES	YES	YES	YES
23	Katni	YES	YES	NO	YES	YES	YES	YES
24	Khandwa	YES	NO	NO	YES	YES	YES	YES
25	Mandla	YES	NO	YES	YES	YES	YES	YES
26	Mandleshwar	YES	NO	NO	YES	YES	YES	YES
27	Mandsaur	YES	NO	NO	YES	YES	YES	YES
28	Morena	YES	NO	NO	YES	YES	YES	YES
29	Narmadapuram	YES	NO	YES	YES	YES	YES	YES
30	Narsinghpur	YES	YES	YES	YES	YES	YES	YES
31	Neemuch	YES	NO	NO	YES	YES	YES	YES
32	Panna	YES	NO	NO	YES	YES	YES	YES
33	Raisen	YES	NO	NO	YES	YES	YES	YES
34	Rajgarh	YES	NO	NO	YES	YES	YES	YES
35	Ratlam	YES	NO	NO	YES	YES	YES	YES
36	Rewa	YES	NO	NO	YES	YES	YES	YES
37	Sagar	YES	NO	YES	YES	YES	YES	YES
38	Satna	YES	NO	NIL	YES	YES	YES	YES
39	Sehore	YES	NO	NO	YES	YES	YES	YES
40	Seoni	YES	NO	NO	YES	YES	YES	YES
41	Shahdol	YES	NO	YES	YES	YES	YES	YES
42	Shajapur	YES	NO	NO	YES	YES	YES	YES
43	Sheopur	YES	NO	NO	YES	YES	YES	YES

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S. N.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Armesh Kumar Vs. State of Bihar" (2014) 8 SCC 273 is being made specially with regard to Section 41 and 41 A of CrPC [para 73 (b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73 (c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth Vs. State of UP (2021) 1 SCC 676 is being strictly complied with [para 73 (f)]	Whether directions passed in Bhim Singh Vs. UOI (2015) 13 SCC 605 for release of Under trial Prisoners eligible for bail under section 436A of CrPC are being complied with [para 73 (j)]	Whether the regular bail application are decided within 2 weeks. [para 73 (k)]	Whether the anticipatory bail application are being decided within six weeks. [para 73 (k)]
1	2	3	4	5	6	7	8	9
44	Shivpuri	YES	NO	NO	YES	YES	YES	YES
45	Sidhi	YES	NO	YES	YES	YES	YES	NO
46	Singrauli	YES	YES	YES	YES	YES	YES	YES
47	Tikamgarh	YES	NO	YES	YES	YES	YES	YES
48	Ujjain	YES	NO	NO	YES	YES	YES	YES
49	Umariya	YES	YES	YES	YES	YES	YES	YES
50	Vidisha	YES	NO	YES	YES	YES	YES	YES

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PART A (Consolidated District as a whole as on 10.02.2024)

S. N.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Arneeb Kumar Vs. State of Bihar" (2014) 8 SCC 273 is being made specially with regard to Section 41 and 41 A of CrPC [para 73 (b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A CrPC [para 73 (c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidarth Vs. State of UP (2021) 1 SCC 676 is being strictly complied with [para 73 (f)]	Whether directions passed in Bhim Singh Vs. UOI (2015) 13 SCC 605 for release of Under trial Prisoners eligible for bail under section 436A of CrPC are being complied with [para 73 (g)]	Whether the regular bail application are decided within 2 weeks. [para 73 (h)]	Whether the anticipatory bail application are being decided within six weeks. [para 73 (k)]
1		3	4	5	6	7	8	9
1	Alirajpur	Yes	NO	Yes	Yes	Yes	Yes	Yes
2	Anuppur	Yes	No	No	Yes	Yes	Yes	Yes
3	Ashoknagar	YES	NO	NO	YES	YES	YES	YES
4	Balaghat	YES	NO	YES	YES	YES	YES	YES
5	Barwani	Yes	NA	No	Yes	Yes	Yes	Yes
6	Betul	Yes	No	No	Yes	Yes	Yes	Yes
7	Bhind	Yes	No	No	Yes	Yes	Yes	Yes
8	Bhopal	YES	NO	NO	YES	YES	YES	YES
9	Burhanpur	Yes	No	No	Yes	Yes	Yes	Yes
10	Chhatterpur	YES	NO	NO	YES	YES	YES	YES
11	Chhindwara	YES	NA	YES	YES	YES	YES	YES
12	Dannoh	YES	NO	NO	YES	YES	YES	YES
13	Datia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
14	Dewas	YES	NO	Yes	Yes	Yes	Yes	Yes
15	Dhar	Yes	NA	NA	YES	YES	YES	YES
16	Dindori	Yes	NO	NA	Yes	Yes	Yes	Yes
17	Cuna	Yes	No	No	Yes	Yes	Yes	Yes
18	Gwalior	Yes	No	No	Yes	Yes	Yes	Yes
19	Hinda	Yes	No	No	Yes	Yes	Yes	Yes
20	Indore	yes	no	No	Yes	Yes	Yes	Yes
21	Jabalpur	Yes	Nil	no	yes	yes	yes	yes
22	Jhabua	Yes	No	No	Yes	Yes	Yes	NA
23	Katni	Yes	No	No	YES	YES	YES	YES
24	Khandwa	Yes	No	No	Yes	Yes	Yes	Yes

28.2.24

Registrar

Magisterial Establishment

S. N.	District	Whether compliance of the direction issued by the Hon'ble Supreme Court in case titled as "Arneeb Kumar Vs. State of Bihar" (2014) 8 SCC 273 is being made specially with regard to Section 41 and 41 A of CrPC [para 73 (b)]	Whether any accused has been granted bail due to non-compliance of section 41 and 41 A of CrPC [para 73 (c)]	Whether courts are insisting for bail application while considering the bail application under section 88, 170, 204 & 209 CrPC [para (e)]	Whether the mandate laid down in the judgment passed by the Hon'ble Supreme Court in Sidharth Vs. State of UP (2021) 1 SCC 676 is being strictly complied with [para 73 (f)]	Whether directions passed in Bhim Singh Vs. UOI (2015) 13 SCC 605 for release of Under trial Prisoners eligible for bail under section 436A of CrPC are being complied with [para 73 (g)]	Whether the regular bail application are decided within 2 weeks. [para 73 (h)]	Whether the anticipatory bail application are being decided within six weeks. [para 73 (i)]
1	2	3	4	5	6	7	8	9
25	Mandla	Yes	No	No	Yes	Yes	Yes	Yes
26	Mandleshwar	Yes	No	Yes	Yes	Yes	Yes	Yes
27	Mandsaur	Yes	NO	No	Yes	YES	Yes	YES
28	Morena	Yes	No	No	Yes	Yes	Yes	Yes
29	Narmadapuram	Yes	No	No	Yes	Yes	Yes	Yes
30	Narsinghpur	Yes	No	Yes	Yes	Yes	Yes	Yes
31	Necanuch	Yes	No	No	Yes	Yes	Yes	Yes
32	Panna	Yes	No	No	Yes	Yes	Yes	Yes
33	Raisen	Yes	Nil	Nil	Yes	Yes	Yes	Yes
34	Rajgarh	Yes	No	No	Yes	Yes	Yes	Yes
35	Ratlam	Yes	no	no	yes	yes	yes	yes
36	Rewa	Yes	No	No	Yes	Yes	Yes	Yes
37	Sagar	Yes	No	No	Yes	Yes	Yes	Yes
38	Satna	Yes	No	No	Yes	Yes	Yes	Yes
39	Sehore	Yes	No	No	Yes	Yes	Yes	Yes
40	Seoni	Yes	No	NO	Yes	Yes	Yes	Yes
41	Shahdol	Yes	No	No	yes	yes	yes	yes
42	Shajapur	YES	NO	NO	YES	YES	YES	YES
43	Sheopur	Yes	No	No	Yes	Yes	Yes	Yes
44	Shivpuri	YES	NO	NO	YES	YES	YES	YES
45	Sidhi	YES	NO	NO	YES	NO	YES	YES
46	Singrauli	YES	-	Yes	YES	YES	YES	YES
47	Tikamgarh	Yes	No	No	Yes	Yes	Yes	Yes
48	Ujjain	Yes	No	No	Yes	Yes	Yes	Yes
49	Umaria	Yes	Yes	Yes	Yes	Yes	Yes	Yes
50	Vidisha	Yes	No	No	Yes	Yes	Yes	Yes

28.2.24

28

Registrar
District Court, Jabalpur

73. In conclusion, we would like to issue certain directions. These directions are meant for the investigating agencies and also for the courts. Accordingly, we deem it appropriate to issue the following directions, which may be subject to State amendments.:

- a) The Government of India may consider the introduction of a separate enactment in the nature of a Bail Act so as to streamline the grant of bails.
- b) The investigating agencies and their officers are duty-bound to comply with the mandate of Section 41 and 41A of the Code and the directions issued by this Court in **Arnesh Kumar (supra)**. Any dereliction on their part has to be brought to the notice of the higher authorities by the court followed by appropriate action.
- c) The courts will have to satisfy themselves on the compliance of Section 41 and 41A of the Code. Any non-compliance would entitle the accused for grant of bail.
- d) All the State Governments and the Union Territories are directed to facilitate standing orders for the procedure to be followed under Section 41 and 41A of the Code while taking note of the order of the High Court of Delhi dated 07.02.2018 in Writ Petition (C) No. 7608 of 2018 and the standing order issued by the Delhi Police i.e. Standing Order No. 109 of 2020, to comply with the mandate of Section 41A of the Code.
- e) There need not be any insistence of a bail application while considering the application under Section 88, 170, 204 and 209 of the Code.