

ITEM NO.5

COURT NO.6

SECTION II

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

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

SATENDER KUMAR ANTIL

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

[TO BE TAKEN UP AT THE 2 P.M.]

Mr. Sidharth Luthra, Sr. Adv./AC, Mr. D.L Chidananda (AC) Mr. V.N. Raghupathy, Advocate for high court of karnataka; Mr. Tapes Kumar Singh, Advocate for high court of jharkhand; Mr. P.I. Jose, Advocate for gauhati high court; Mr. Arjun Garg, Advocate for high court of madhya pradesh; Mr. Amit Gupta, Advocate for high court of delhi; Mr. Sanjai Kumar Pathak, Advocate for high court of meghalaya; Mr. Sibho Sankar Mishra, Advocate for high court of Orissa, Mr. Abhimanyu Tewari, Advocate for State of Arunachal Pradesh, Mr. Somanadri Gaud Katam, Advocate for High Court of Telengana; Mr. Aaditya A. Pande, Advocate for the State of Maharashtra; Mr. Ankur Prakash, Advocate for the State of Uttarakhand; M/s Arputham Aruna, Mr. Debojit Borkakati, Advocate for the State of Assam, Mr. S.N.Terdol, Advocate for the State of Ladakh, Mr. Avijit Mani Tripathi, Advocate for the State of Meghalaya, Mr. Manish Kumar, Advocate for the State of Bihar, Mr. Mahfooz A.Nazki, Advocate for the State of Andhra Pradesh, Mr. Maibam N.Singh, Advocate for the High Court of Manipur, Mr. Prashant S.Kenjale, Advocate for the High Court of Bombay, Mr. Ajay Pal, Advocate for the State of Punjab, Mr. Gagan Gupta, Advocate for High Court of Andhra Pradesh, Mr. Nishe Rajen Shonker, Advocate for the State of Kerala, Mr. Suwendu Suvasis Dash, Advocate for the State of Orissa, Mr. Pradeep Mishra, Advocate for the State of Uttar Pradesh, Mrs. Swati Ghildiyal, Advocate for the State of Gujarat, Mr. Pukhrambam Ramesh Kumar, Advocate for the Government of Manipur, Mr. Abhay Anil Anturkar, Advocate for the State of Goa, Mr. Anupam Raina, Advocate for the High Court of Jammu, Mr. Sunny Choudhary, Advocate for State of Madhya Pradesh, Mr. Varinder Kumar Sharma, Advocate for High Court of Himachal Pradesh, Ms. K.Enatoli Sem, Advocate for State of Nagaland, Mr. R.Ayyam Perumal, Advocate for State of Madras, Ms. Pallavi Langar, Advocate Govt. of Himachal Pradesh, Mr. Sameer Abhayankar, Advocate for State of Sikkim, Mr. Aravindh S. Advocate of U.T. Pudducherry, Ms. D.Bharthi Reddy, Advocate for High Court of Uttarakhand, Mr. Tapes Kumar Singh, Advocate for High Court of Jharkhand, Mr. Gaurav Agarwal, Advocate for High Court of Patna, Mr. Aproo Kurup, Advocate for High Court of Chhatisgarh, Mr. Nikhil Goel, Advocate for High Court of Gujarat, Mr. Amit Sharma, Advocate for High Court of Tripura, Mr. Sandeep Kumar Jha, Advocate for State of Rajasthan, Mr. Shailesh

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WITH

MA 2035/2022 in SLP(Crl) No. 5191/2021 (II)

Date : 08-10-2025 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

By Courts Motion, AOR

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UPON hearing the counsel the Court made the following
 O R D E R

We have heard the learned Amicus and the learned Additional Solicitor General. It is agreed that the SOP with respect to the formation of the Empowered Committee and the SOP with respect to Under Trial Prisoners as extracted by this Court in order dated 13.02.2024 may be modified:

“Point (iii) in the “Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners” may be modified as under:

iii) An ‘Empowered Committee’ may be constituted in each District of the State/UT, comprising of i) District Collector (DC)/District Magistrate (DM)’s *nominee*, ii) Secretary, District Legal Services Authority, iii) Superintendent of Police, iv) Superintendent/Dy. Superintendent of the concerned Prison and v) Judge Incharge of the

concerned Prison, as nominee of the District Judge. *Secretary, DLSA will be the Convener/Coordinating Incharge of the meetings of the EC*."

Similarly, the Standard Operating Procedure for Under Trial Prisoners may be modified as under:

"1) If the UTP is not released from jail within a period of 7 days of order of grant of bail, then the jail authority should inform the Secretary, DLSA

2) Upon receiving information, the Secretary, DLSA must immediately arrange for an interaction with the UTP. The Secretary, DLSA will authorise a JVL/PLV to interact with the UTP and to verify if the UTP has funds in his Prisoner's Savings Account. If not, based on information obtained from the UTP in the format prescribed (to be given by NALSA) the form will be forwarded to the Secretary, DLSA within a period of 5 days, pending integration in the ICJS.

3) The District Level Empowered Committee will direct release of funds for surety on the recommendation of DLSA within a period of 5 days from the date of receipt of the report, pending integration in the ICJS.

4) The District Level Empowered Committee shall

meet on every 1st and 3rd Monday, (and in the event if there is holiday on such days, then on the next working days) of each month to consider the cases recommended by DLSA.

5) For cases where the Empowered Committee recommends that the identified UTP be extended the benefit of financial support under 'Support to poor prisoners Scheme', then the requisite amount of upto Rs.50,000/- per case for one prisoner, can be directed to be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other prescribed method, which the District Committee feels appropriate within 5 days of its decision pending integration in the ICJS. This decision would simultaneously be informed to DLSA and Jail Authorities by email, pending integration in the ICJS.

In the event, the fund is not forthwith deposited within 5 days in Court, and the UTP not released, the Jail authorities should on the 6th day, inform the DLSA. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial Court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail under Section 389(3) Cr.P.C. [S.430(3)]

BNSS] in which event the amount can be utilised for bail by the Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail under Section 389(1) of Cr.P.C.[S.430(1) BNSS];

6) If the bail surety amount is higher than Rs.50,000/- the Empowered Committee may exercise its discretion to pay such higher amount not exceeding Rs.1 lakh. If the Empowered Committee declines to exercise discretion, it would inform the Secretary, DLSA forthwith of its decision by email (and not later than 2 days), pending integration in the ICJS, to enable the Secretary, DLSA to instruct a Legal Aid Advocate to move the Court granting bail or any superior Court to have the surety amount reduced.

Once the Secretary, DLSA instructs a Legal Aid Advocate to seek reduction of surety amount, this application/Petition would be filed by the Legal Aid Advocate within 7 days of the case being assigned to the Legal Aid Advocate."

Accordingly, we direct the Union of India to carry out the necessary modifications and issue a modified SOP in the aforesaid terms.

We have further been informed by the learned

Amicus that the earlier direction issued by this Court vide order dated 21.01.2025 has not been given effect to by the State of West Bengal, while all the other States have complied with the same.

Learned counsel appearing for the State of West Bengal seeks a week's time for compliance.

We may note that notwithstanding the time granted for compliance on different occasions, no compliance has been reported even today.

As a last and final opportunity, we are inclined to grant a further time of two weeks to the State of West Bengal to comply with the direction, failing which appropriate orders will be passed, including a direction to the Chief Secretary of the State to appear before this Court and imposition of adequate costs.

List the matters on 26.11.2025 at 2 p.m.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR