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ITEM NO.34 COURT NO.4 SECTION PIL-W

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

SUO MOTO WRIT PETITION(CRIMINAL) No(s). 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL Petitioner(s)

VERSUS

Respondent(s)

[ONLY IA NO. 317864/2026 AND IA NO. 317866/2026 IS LISTED UNDER THIS ITEM]
IA No. 317866/2026 - CLARIFICATION/DIRECTION
IA No. 317864/2026 - INTERVENTION/IMPLEADMENT

Date : 04-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

By Courts Motion

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UPON hearing the counsel the Court made the following

O R D E R

IA NO.317864/2026 AND IA NO.317866/2026:

1. **The learned counsel appearing for the petitioner(s) submits that spanning across 20 districts, there were 264 under-trial prisoners who have been granted bail. They could not be released for want of execution of sureties, and other conditions imposed by the concerned Trial Courts.**
2. **Mr. Pradeep Mishra, the learned Senior counsel appearing for the State of Uttar Pradesh (U.P.) submits that out of 264 under-trial prisoners, only 158 have been released and an appropriate decision will be taken with respect to 106 prisoners.**
3. **The learned counsel appearing for the National Legal Services Authority ('NALSA') submits that periodical reviews have been undertaken every month with the active participation of the District Legal Services Authorities. The cases which have not been dealt with, would be added in the meeting which is to be**

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convened next month. That is the reason why there are still 106 under-trial prisoners who are yet to be released.

4. **The learned Senior counsel appearing for the petitioner(s) further submitted that the statistics available are only with respect to 20 districts, and therefore, the said exercise has to be undertaken for the remaining 55 districts.**

5. **The learned Senior counsel appearing for the State of U.P. submits that the needful would be done within a reasonable time.**

6. **Taking note of the submissions made, we direct the State of U.P to undertake the exercise for the under-trial prisoners who have been granted bail but could not be released for want of compliance of conditions of bail, in consultation with the respective District Legal Service Authorities.**

7. **This direction shall be applicable even to those under-trial prisoners who could not comply with the bail conditions, despite the fact that they have engaged the private lawyers. There cannot be any differentiation between the under-trial prisoners, who have the assistance of District Legal Services Authority and those who have engaged private counsel.**

8. **The fact remains that both the categories are similar with respect to non-compliance of the bail conditions imposed. Merely because the private lawyers have been engaged, the assistance from the District Legal Services Authority counsel cannot be denied and also the benefit that has been extended to such of persons who have already been rendered assistance**

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by the District Legal Services Authorities. Litigation cannot be adversarial in that sense. Therefore, notwithstanding the presence of counsel appearing for the accused person who have been granted bail, further assistance can be rendered by the District Legal Services Authorities to them. In any case, the onus lies on the State to make sure that these persons are released from custody. We also request the concerned Courts to take up those cases which were brought into notice by the respective District Legal Services Authorities and modify the condition(s) suitably, so that the under-trial prisoners can be released accordingly.

9. **List on 20.01.2027.**

10. **Needless to state that the aforementioned directions shall apply to all the under-trial prisoners spanning across 75 districts.**

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR