

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

SMW (CrI.)No(s). 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

([TO BE TAKEN UP AT 2:00 P.M.]

MR. GAURAV AGRAWAL, SR. ADV. IS AMICUS CURIAE --

(IA No. 28005/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 203408/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 132106/2022 - EXEMPTION FROM FILING O.T., IA No. 164210/2024 - EXEMPTION FROM FILING O.T., IA No. 203407/2022 - INTERVENTION APPLICATION AND IA No. 27999/2024 - INTERVENTION/IMPLEADMENT AND IA NO.269110/2024 - INTERVENTION/IMPLEADMENT)

WITH

SLP(CrI) No. 529/2021 (II-C)

(FOR ADMISSION AND I.R AND MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.), MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY, MS. RASHMI NANDAKUMAR, ADVOCATE FOR NALSA, MR. DEVANSH A. MOHTA, ADVOCATE (A.C.), MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH, MR. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU, MR. CHANCHAL K. GANGULI, Advocate for STATE OF WEST BENGAL, MR. SAMIR ALI KHAN, Advocate for State of Bihar, MR. MILIND KUMAR, ADVOCATE FOR STATE OF RAJASTHAN, MAHFOOZ A NAZKI FOR STATE OF ANDHRA PRADESH, MR. SACHIN PATIL FOR STATE OF MAHARASHTRA, MR. D.L CHIDANANDA FOR STATE OF KARNATAKA, MR. PRADEEP MISRA, ADVOCATE FOR STATE OF UP, MR. M.K MARORIA FOR ANDAMAN AND NICOBAR ISLANDS, MR. HARSHAD V HAMEED FOR STATE OF KERALA, MR. SHO VAN MISHRA, ADVOCATE FOR STATE OF ODISHA, DR. MONIKA GUSAIN, ADVOCATE FOR STATE OF HARYANA AND MR. ABHINAV MUKERJI, ADVOCATE FOR STATE OF HIMACHAL PRADESH, Mr. Aaditya Aniruddha Pande, Advocate for State of Maharashtra, Mr. Pukhrbham Ramesh Kumar, Advocate for State of Manipur, Ms. Swati Ghildiyal, Advocate for State of Gujarat, Mr. Shuvodeep Roy, Advocate for State of Assam, Mr. Pashupatinath Razdan, Advocate for State of MP., Ms. K. ENATOLI SEMA, ADVOCATE FOR STATE OF NAGALAND, Mr. Shirin Khajuria, Advocate for State of Goa, Mr. Sameer Abhyankar, Advocate for the State of Sikkim, Ms. Vishakha, Advocate for High Court of Gujarat and Mr. Bhavana Duhon, Advocate for State of Goa, Ms. Rooh-e-Hina Dua, Advocate for State of Punjab, Ms. Devina Sehgal, Advocate for State of Telangana)

(IA No. 125258/2024 - ANTICIPATORY BAIL, IA No. 125257/2024 - CLARIFICATION/DIRECTION, IA No. 21807/2024 - EXEMPTION FROM FILING O.T., IA No. 119551/2024 - INTERVENTION/IMPLEADMENT, IA No. 21806/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA NO.173609/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA NO.279441/2024 - INTERVENTION/IMPLEADMENT)

Date : 03-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

By Courts Motion

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Ms. Alankrita Sinha, Adv.

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Mr. Shivansh Bharatkumar Pandya , AOR

UPON hearing the counsel the Court made the following

O R D E R

SLP (CRL.) NO. 529/2021

1. Ms. Liz Mathew, learned Senior Advocate appointed as Amicus Curiae with the assistance of Shri Navneet R., learned Advocate-on-Record, has submitted a Note on compliances made by various States. A copy of the Note submitted by the learned Amicus Curiae has been

furnished to the learned counsel appearing for all the States.

2. The Report of the learned Amicus Curiae deals with compliance made by various States, namely Madhya Pradesh, Tripura, Mizoram, Sikkim, Nagaland, Goa and Manipur in terms of the orders of this Court. The learned Amicus Curiae has sought directions against every State. We have no hesitation in issuing directions in terms of what is stated in the Report. Ordered accordingly.

IN RE: STATE OF SIKKIM

3. Coming to the State of Sikkim, apart from the directions sought by the learned Amicus Curiae, we direct the State Government to address a letter to all concerned district authorities of Saran, Bihar and Cooch Behar, West Bengal calling upon them to submit a report as sought by the State. A copy of the order shall be produced before the concerned authorities of the State who shall act upon the same.

IN RE: STATE OF MANIPUR

4. As regards the State of Manipur, in the earlier order, we had flagged issue of five prisoners who are suffering from mental illness. The report of the Medical Board does indicate that they are suffering from mental illness. However, in the State, necessary mental healthcare facilities are not yet set up. Therefore, the State will consider of creating a separate ward in the prison for the benefit of these prisoners and provide them mental healthcare facilities in that part of the prison. In fact, the State will have to comply with the standards and procedures of

mental health services in prison as laid down by Rules 10 and 11 of the Mental Healthcare (Rights of Persons with Mental Illness) Rules, 2018. The State Government shall take steps accordingly by providing facilities in the prison.

5. The learned counsel appearing for the State submitted that the process of setting up the facilities under the Mental Healthcare Act, 2017 has been undertaken.

6. Subject to what is observed above, we issue directions to the State as mentioned in the earlier part of this order.

7. The States, with whom we have dealt with today, shall file further progress reports as of 31st January, 2025, in the first week of February 2025.

8. List the Petitions for further hearing on 18th December, 2024 at 3.30 p.m. for considering the report of the learned Amicus Curiae on Execution of Bail and also various aspects for grant of permanent remission.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)