

CIRCULAR

Hon'ble Supreme Court of India, in the case of Shekhar Prasad Mahto @ Shekhar Kushwaha v. The Registrar General, Jharkhand High Court and Another, in Writ Petition (s) (Criminal) No. (s) 55 of 2025 passed the order clarifying that if in a particular High Court, the bail applications are assigned to different single Judge/Bench, in that event, all the applications arising out of same FIR should be placed before one learned Judge and if on account of change of the roster, the learned Judge who was earlier dealing with the bail matters is not taking up the bail matters, the aforesaid directions would not be applicable, the relevant portion of which reads as under:-

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7. However, it is to be noted that in many High Courts, the roster system is followed.

8. After a particular period, the assignment of the learned Judges change. It is also quite possible that the learned Single Judge, who was earlier taking up the assignment of bail matters may in the subsequent roster be a part of the Division bench.

9. We are, therefore, of the view that if the aforesaid direction is followed universally, it may lead to disruption of benches inasmuch as the learned judge who had initially heard the bail application of one of the accused, may have become a part of some Division Bench when a bail application arising out of the same FIR is filed by another accused.

10. We, therefore, clarify that if in a particular High Court, the bail applications are assigned to different single Judge/Bench, in that event, all the applications arising out of same FIR should be placed before one learned Judge.

11. This would ensure that there is a consistency in the views taken by the learned judge in different bail applications arising out of the same FIR.

12. However, if on account of change of the roster, the learned judge who was earlier dealing with the bail matters is not taking up the bail matters, the aforesaid directions would not be applicable.

13. Further, we expect that in order to maintain consistency in the views taken by the Court, the learned judge, who will hear the subsequent applications filed for bail, may give due weightage to the views taken by the earlier judge, who had dealt with the bail applications arising out of the same FIR.

14. We find that if this is not followed and if the judges sitting in the Division Bench or thereafter taking up different assignments are required to take up the applications arising out of the same FIR, it may further delay the decisions in the bail matters.

15. The Registrar (Judl.) is directed to forward a copy of this order to the Registrar Generals of all the High Courts.

16. Needless to state that taking into consideration the urgency in deciding bail matters, learned Judge of the High Court to whom the bail application of the present petitioner is assigned, shall decide the matter expeditiously.

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In view of the above, all the concerned officers and officials of the Principal Bench and Benches at Dharwad and Kalaburagi are hereby

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directed to post bail petitions arising out of same FIR before the same Judge in the event of bail petitions are assigned to more than one Bench and if on account of change of the roster, the Hon'ble Judge who was earlier dealing with the bail matters is not taking up the bail matters, the above direction is not applicable.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd-
REGISTRAR (JUDICIAL)
HIGH COURT OF KARNATAKA

To:

1. The Private Secretary to the Hon'ble the Chief Justice.
2. The Registrar General / Registrar (Vigilance) / Registrar (Recruitment) / Registrar (Administration) / Registrar (Infra & Maintenance) / Registrar (Protocol & Hospitality) / Registrar (Computers)
3. The Additional Registrar General / Additional Registrar (Judicial), High Court of Karnataka at Dharwad and Kalaburagi Benches.
4. The Central Project Co-ordinator (CPC), with a request to web-host the Circular.
5. All the Private Secretaries to the Hon'ble Judges.
6. All the Group-A and Group-B Officers on judicial side.
7. The Assistant Registrars/Section Officers of Criminal (Pending and Scrutiny) Branch & Board Branch – to circulate amount all the staff members with an instruction to strictly follow the direction issued by the Hon'ble Court.
8. Office Copy.