

CIRCULAR

The Hon'ble Apex Court while disposing of appeal in ***Kusha Duruka Vs. State of Odisha reported in 2024 SCC OnLine SC 56 (SLP (Crl.) No. 12301/2023 vide dated 19.01.2024)*** has reiterated the earlier directions given in regard to listing of bail applications in ***Pradhani Jani Vs. The State of Odisha (2023 SCC OnLine SC 1769)***, wherein at para No.2 it is laid down as follows:

“2. The subsequent bail applications under section 439 Cr.P.C. including applications for interim bail shall be listed before the Hon'ble Judge who, at the earliest, decided any of the earlier bail applications under section 439 Cr.P.C. arising out of the same FIR (decided on merit or disposed of as withdrawn/not pressed). In the event the Hon'ble Judge is not available on account of superannuation, transfer etc. or recuses, the said application shall be listed before the Hon'ble Judge who next disposed of any of those bail applications, and so on. If none of the Hon'ble Judges who decided the earlier bail applications is available, the application shall be listed before the regular Bench as per roster.”

Further, in ***Kusha Duruka*** (cited supra), the Hon'ble Apex Court has given mandatory directions in para Nos.20 and 21 as follows:

“20. In our opinion, to avoid any confusion in future it would be appropriate to mandatorily mention in the application(s) filed for grant of bail:

(1) *Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.*

(2) *Details of any bail application(s) filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.*

This court has already directed vide order passed in Pradhani Jani's case (supra) that all bail applications filed by the different accused in the same FIR should be listed before the same Judge except in cases where the Judge has superannuated or has been transferred or otherwise incapacitated to hear the matter. The system needs to be followed meticulously to avoid any discrepancies in the orders.

In case it is mentioned on the top of the bail application or any other place which is clearly visible, that the application for bail is either first, second or third and so on, so that it is convenient for the court to appreciate the arguments in that light. If this fact is mentioned in the order, it will enable the next higher court to appreciate the arguments in that light.

(3) *The registry of the court should also annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The same system needs to be followed even in the case of private complaints as all cases filed in the trial courts are assigned specific numbers (CNR No.), even if no FIR number is there.*

(4) It should be the duty of the Investigating Officer/any officer assisting the State Counsel in court to apprise him of the order(s), if any, passed by the court with reference to different bail applications or other proceedings in the same crime case. And the counsel appearing for the parties have to conduct themselves truly like officers of the Court.

21. Our suggestions are with a view to streamline the proceedings and avoid anomalies with reference to the bail applications being filed in the cases pending trial and even for suspension of sentence.”

Therefore, as directed, all the Officers and officials working in the Filing, Scrutiny and Pending branches in the High Court of Karnataka and all the Courts functioning in the District Judiciary shall strictly comply with the above directions in regard to listing of bail applications and to ensure that the mandatory details as aforesaid are to be mentioned in the application(s) filed for grant of bail. Any lapse in this regard will be viewed seriously.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-

**(M.CHANDRASHEKAR REDDY)
REGISTRAR (JUDICIAL)**

To:

1. The P.A. to Hon'ble The Chief Justice
2. The Registrar General/ Registrar (Vigilance)/ Registrar (Recruitment) / Registrar (Administration)/ Registrar (Infra & Maintenance) / Registrar (Protocol & Hospitality) / Registrar (Computers).

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3. The Additional Registrar General/ Additional Registrar (Judicial), High Court of Karnataka at Dharwad and Kalaburagi Benches, for information.
4. The Central Project Co-ordinator (CPC), with a request to web-host the circular.
5. The Deputy Registrars/Assistant Registrars/Section Officers of Filing Section, Scrutiny and Pending Branches.
6. The Director, Karnataka Judicial Academy, Bengaluru
7. The Assistant Registrar and Section Officer of DJA-I to circulate the circular to all the Courts/Tribunals through the respective Principal District and Sessions Judges and Unit Heads.
8. The Chairman/Secretary of Karnataka State Bar Council, with a request to circulate the directions to all the members of the Bar in the State.
9. Office Copy.