

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

ROC.No. 04 /Reg.Judl./2024

Date:30.03.2024

CIRCULAR

Hon'ble Supreme Court while dealing with Criminal Appeal No.303 of 2024 arising out of S.L.P (Crl) No.12301 of 2023 between Kusha Duruka vs. State of Odisha on 19.01.2024 gave certain directions to all the courts across the country 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 and the said directions read as under:

"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.

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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."

In view of the above directions of the Hon'ble Supreme Court, the learned counsel appearing for the parties/parties shall mandatorily mention the following details in the applications filed for grant of bail.

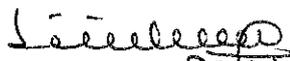
1) Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.

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.

3) Details of the bail application whether it is first, second or third and so on, shall be mentioned on the top of the bail application for convenience of the Court.

The Scrutiny Officers shall not register the bail applications without the above details and they shall annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The same system shall 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.

The aforementioned instructions shall be followed scrupulously henceforth by all concerned. Non compliance of the instructions by the Registry shall be viewed seriously.

  
30/3/2024  
REGISTRAR (JUDICIAL-I)

To

- 1) The Advocate General, Telangana.
- 2) The Secretary, Telangana High Court Advocates Association  
(with a request to place the circular in the Notice Board).
- 3) The Additional Solicitor General of India.

- 4) The Deputy Solicitor General of India.
- 5) The Section Officer, Court Masters Section (to circulate among all the Personal Secretaries attached to the Hon'ble Judges for placing the same before Their Lordship's kind information)
- 6) The Section Officer, New Filing (CrI) Section (with a request to circulate among all the Scrutiny Officers)

Copy to

- 1) The Registrar General, High Court for the State of Telangana.
- 2) The Central Project Coordinator, High Court for the State of Telangana (with a request to direct the concerned to upload the circular in the website)
- 3) The Joint Registrar, New Filing Section.
- 4) The Deputy Registrar, New Filing Section.
- 5) The Assistant Registrar, New Filing (CrI) Section
- 6) The Section Officer, Special Officers Section (for codification)
- 7) The Section Incharge, Statistics Section (for compilation)