



2025:AHC:193948

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 38294 of 2025

Sohrab Alias Sorab Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Satya Priya Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.314 of 2025, under Sections-137(2), 87 BNS, 2023, Police Station-Saini, District-Kaushambi, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that that though in the FIR allegation has been made to entice away the daughter of first informant but the victim in her statement u/s 183 of BNSS has stated that she herself left her house on her own. Therefore, applicant has been falsely implicated. It is further submitted that the applicant has criminal history of one case. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 25.09.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Learned A.G.A. has opposed the prayer for bail but could not dispute the aforesaid facts.
5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion

that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Sohrab alias Sorab Ali**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

12. This Court further adds that in several bail matters this Court

directed to Office/Registrar (Compliance) of this Court to send copy of the bail order to the accused applicant through Jail Superintendent in pursuance of the direction of the Apex Court in **Policy Strategy for Grant of Bail (supra)**, the Registrar (Compliance) of the High Court, Allahabad has informed that for want of sufficient information in bail application regarding the jail where the accused-applicant is confined, it would be difficult to directly send copy of bail order to the accused through Jail Superintendent in compliance of the direction of the Apex Court in **Policy Strategy for Grant of Bail (supra)**. Therefore, he is sending the bail orders to I.G. of Prisons as well as CJM concerned to further forward the bail order to the accused applicant.

13. It is relevant to mention here that the Apex Court in the case of **Policy Strategy for Grant of Bail (supra)** has issued several direction regarding bail orders including sending the same to undertrial or convict through Jail Superintendent on the same day or on the next day. Paragraph no.9 of **Policy Strategy for Grant of Bail (supra)** is being quoted as under:

"9. With a view to ameliorate the problems a number of directions are sought. We have examined the directions which we reproduce hereinafter with certain modifications:

"(1) The court which grants bail to an undertrial prisoner/convict would be required to send a soft copy of the bail order by email to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software (or any other software which is being used by the Prison Department).

(2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute paralegal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

(3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.

(4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the paralegal volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the court concerned with a request to relax the condition(s) of bail/surety.

(5) In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the court may consider granting temporary bail for a specified

period to the accused so that he can furnish bail bond or sureties.

(6) If the bail bonds are not furnished within one month from the date of grant of bail, the Court concerned may suo motu take up the case and consider whether the conditions of bail require modification/relaxation.

(7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety."

14. From perusal of the above quoted order of the Apex Court, it is clear that there was a specific direction to Jail Superintendent to enter the date of grant of bail in e-prison software immediately after receiving the copy of the bail order, but because of non-availability of the jail details, it has become difficult to directly send copy of bail order to the accused-applicant. Therefore, it is necessary that counsel in Allahabad High Court as well as in Lucknow Bench of this Court, while filing bail application during trial or during pendency of appeal, should also mention the details of jail where the accused applicant/convict is confined.

15. This Court has also been apprised by the C.P.C., High Court, Allahabad that direct access to e-prison portal through dedicated ID has not been provided to the Bail Section as well as to Criminal Appeal Section by the NIC so that the bail orders could be directly sent to the jail concerned through e-prison portal instead of through e-mail.

16. The personal liberty of a person is a fundamental right under Article 21 of the Constitution of India. Therefore, a person cannot be deprived of his liberty, except the procedure established by law. Once a Court grants bail to an undertrial or convict, then it is the right of that undertrial or convict to know about the bail order immediately, so that he/she does not remain confined in jail because of the laxity on the part of the judicial system or jail administration or other instrumentality of the State. The Apex Court also showed its concern about the liberty of a man who has been granted bail in the case of **Policy Strategy for Grant of Bail (supra)**.

17. This Court also came across a number of cases where, for want of verification of sureties, an accused-undertrial or convict remains confined in prison, even after getting the bail from the concerned

court. This Court is also conscious of the fact that some of the officials of revenue department as well as police department are involved in corrupt practice in the name of verification of sureties, which is a menace in the administration of justice. Therefore, it is also necessary that verification of sureties should be conducted in the court premises itself through electronic process, so that the accused/convict, after getting bail, does not remain in prison even for a single day.

18. This Court is also conscious of the fact that despite initiation of sending the release order through electronic method (BOMS) in pre-lunch session, the inmates from the jail are released in the evening after collecting the release orders, though, there is no such provision in Jail Manual to keep the inmates in jail despite receiving the release order by the jail authority from the concerned court. On the contrary, Rule-91 of the Jail Manual provides for prompt compliance of release order. Even the Hon'ble Apex Court also directed to inform the prisoners about their bail orders through FASTER system, with the solemn object to ensure the prompt release of prisoners after getting bail from the Supreme Court. This process of FASTER system is also adopted in U.P. Jail Manual, 2002 by inserting Rule-92A after the Rule 92. Rule-91 of U.P. Jail Manual, 2002 is being quoted as under:

"91. Orders of release to be complied with promptly- An order of a court directing the release of a prisoner whether convicted or under-trial shall be carried out with reasonable promptitude and the prisoner shall ordinarily be released the same day, unless his further detention is required by some other authority. If the order is received after the Superintendent has left the jail and it is not possible to obtain his order without deferring the release of the prisoner till the next day, the Jailor should comply with the order on his own responsibility and obtain the Superintendent's confirmation of his action on his next visit to the jail. If, however, an order directing the release of a prisoner reaches the prison after 4:30 PM in winter and 5.30 PM in summer when, according to the prison rules, the prisoners are shut up for the night, an entry to that effect shall be made by the officer in-charge for admission and release, in a register and a list of names of prisoners whose release orders are received shall be displayed outside the jail gate with appropriate comments.

All release orders received by post and confirmed by radiogram shall be complied on the same day.

Keeping in view the exigencies of law and order, the District Magistrate may allow the compliance of the release order of a prisoner after locking up of the jail, by recording the reasons thereof under his signature and seal and communicate the same to the Superintendent.

Note-Allahabad High Court C.L. No. 42/VIIb-47, dated 28th April, 1978- All the presiding officers should

put their signatures on the release or remand orders quite legibly as required under rules 9 and 66 of the G.R. (Criminal). A rubber seal indicating the name and designation of the presiding officers and also the name of the district should invariably affixed to such orders below their signatures and they shall ensure that the remand or release orders are dispatched punctually so as to reach the jail authority latest by 4:00 p.m. in winter and 5:00 p.m. in summer."

19. In view of the above fact, it is necessary to issue following directions, which are also in the spirit of the directions issued by the Apex Court in **Policy Strategy for Grant of Bail (supra)** :

(i) Advocates are directed to mention the jail details in the bail application where the accused applicant or convict has been under incarceration so as to enable the Office/Bail Section of this Court to send the bail orders to the undertrial/convict-applicant immediately.

(ii) The Reporting Section of this Court is directed not to clear any bail application filed in this Court or its Bench at Lucknow after 01.12.2025, unless the detail is mentioned in the bail application regarding the jail where the applicant is, at present, under incarceration and notice of this direction should also be given to Advocates through Bar Association, High Court, Allahabad and such notice shall also be pasted outside the Reporting Section, apart from notifying the same on the official website of the High Court of Judicature at Allahabad.

(iii) CPC, High Court, Allahabad will coordinate with the NIC to get direct access to e-prison portal through dedicated ID in concerned criminal sections so that bail orders from the High Court can be sent to the applicant (undertrial or convict) promptly through the Jail Superintendent, without any outside interference, which is possible through e-mail. NIC is also directed to cooperate with the CPC, High Court, Allahabad for the aforesaid issue.

(iv) The Additional Chief Secretary (Home), Secretariat, Government of U.P., Lucknow is directed to issue a direction to the officials concerned for ensuring the establishment of electronic verification of sureties in the district courts' compound itself in coordination with the District Judge concerned.

(v) The Director General (Prison) is also directed to issue necessary direction to all prison authorities to release a jail inmate immediately

after receiving the electronic release order through BOMS instead of collecting of the release orders from the Courts and then release the jail inmates in the evening.

20. **Registrar (Compliance)** is directed to send a copy of this order to Chief Secretary, U.P., Additional Chief Secretary (Home), Government of U.P., Lucknow, Director General (Prison), U.P., Deputy Director General, NIC (New Delhi), CPC, High Court, Allahabad, Registrar (J) (Criminal), Registrar Criminal (D), Stamp Reporter, High Court, Allahabad and its Bench at Lucknow, for necessary compliance.

November 4, 2025
S.C.

(Arun Kumar Singh Deshwal,J.)