

Supreme Court of India

R.D. Upadhyay vs State Of A.P. And Ors. on 17 March, 1998

Equivalent citations: AIR 1999 SC 2183, 1999 CriLJ 3499, JT 1998 (6) SC 486, (1998) 5 SCC 696

Bench: S Agrawal, S Ahmed, M Srinivasan

ORDER

1. By order dated 19-3-1996 R.D. Upadhyay v. State of A.P., this Court had given certain directions to the Delhi Administration in the matter of grant of bail in respect of undertrial prisoners who are undergoing imprisonment in respect of various offences. Nearly two years have elapsed since the passing of the said order. This period would have given an idea to the authorities regarding the impact of the order on the general law and order situation. We, therefore, direct the Commissioner of Police, Delhi to submit a report in the form of an affidavit indicating the impact of the directions contained in the said order of this Court on the general law and order situation in the National Capital Region of Delhi. While submitting the said report the Commissioner will also indicate as to whether any of the persons who has been released in pursuance of this direction has repeated the offence after his release. The said affidavit may be filed within six weeks.

2. As regards the other State Governments/Union Territories to whom notices have been issued, it is directed that each State Government/Union Territory shall file an affidavit indicating the present position relating to various categories of undertrial prisoners in the various jails in the States/Union Territories and the period of imprisonment undergone by the undertrial prisoners. The said affidavit shall be filed within six weeks.

3. Shri Kapil Sibal, the learned amicus curiae, states that he will file a statement indicating how the various categories of offences should be dealt with in the matter of release of undertrial prisoners on bail. + 4. As regards the question mentioned in the order dated 20-1-1997, namely grant of bail to the prisoners who are undertrial in respect of offences under the TADA after the expiry of the Act, Shri Sibal prays for some time to argue the matter. List the same on 26-3-1998. 5. IA No. 3 -- Shri Vijay Panjawani, the learned counsel states that an affidavit on behalf of Union of India has been filed. That affidavit may be connected with IA No. 3. List IA No. 3 also on 26-3-1998. 6. A copy of IA No. 3 and the affidavit of Union of India be furnished to Shri Kapil Sibal, the learned amicus curiae and Shri Ranjit Kumar. Court Masters