

**2023 LiveLaw (SC) 766**

**IN THE SUPREME COURT OF INDIA  
B.R. GAVAI; J., PRASHANT KUMAR MISHRA; J.  
Special Leave to Appeal (Crl.) No(s). 8247/2023; 06-09-2023  
SATENDRA BABU *versus* STATE OF U.P.**

**Bail - When accused persons are in prison, it is the duty of the police to produce them before the trial court. If the police fail to produce them before the court, then the accused cannot be made to suffer due to such negligence of the police.**

(Arising out of impugned final judgment and order dated 05-01-2023 in CRMBA No. 33741/2022 passed by the High Court of Judicature at Allahabad)

*For Petitioner(s) Mr. Divyesh Pratap Singh, AOR Ms. Shivangi Singh, Adv. Mr. Vikram Pratap Singh, Adv. Ms. Ranjana Singh, Adv. Mr. Amit Sangwan, Adv. Mr. Jai Inder, Adv. Mr. Naman Bhardwaj, Adv.*

*For Respondent(s) Mr. Sanjay Kumar Tyagi, AOR Mr. Aviral Saxena, Adv. Mr. Mangal Prasad, Adv. Mr. S.K. Tomar, Adv. Mr. Ajay Kumar Pandey, Adv. Mr. Mayur Raj, Adv.*

**ORDER**

1. The petitioner is behind the bars from a period of one year four months and the charge-sheet has already been filed.
2. The bail application of the petitioner is opposed on the ground that the petitioner did not appear before the Trial Court and as such warrants came to be issued.
3. Since the petitioner is in prison, therefore, it was the duty of the police authorities to produce him before the Trial Court. The petitioner cannot be blamed for the negligence on behalf of the police authorities.
4. As such, the petitioner is entitled to be granted bail.
5. The petitioner is directed to be released on bail in connection with Case Crime No. 351 of 2021 registered at Police Station Bhamora, District Bareilly, Uttar Pradesh, to the satisfaction of the Trial Court.
6. The petitioner is directed to cooperate with the expeditious disposal of the trial.
7. The special leave petition is disposed of accordingly.
8. Pending applications, if any, stand disposed of.