



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3821 of 2026

Sanu @ Rashid

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vijit Saxena
Counsel for Opposite Party(s)	:	Amit Shukla, G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Affidavits of compliance filed by the learned AGA on behalf of Sri Anurag Awasthi, Station House Officer, Police Station-Kotwali, District-Lalitpur as well as Sri Narendra Singh, Investigating Officer are taken on record.
2. Heard Sri Vijit Saxena, learned counsel for the applicant, Sri Amit Shukla, learned counsel for the first informant and Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Pankaj Saxena along with Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.881 of 2025, under Sections-318(4), 338, 336(3), 340(2), 61(2) BNS, Police Station-Kotwali Lalitpur, District-Lalitpur, during the pendency of the trial.
4. As per the prosecution story, present applicant, in collusion with some of the co-accused, opened the bank accounts of some of

the loanees in Axis Bank and after getting sanctioned the loan from Bajaj Finance Ltd., in collusion with the officials of finance company, transferred the same in that account and thereafter, withdrew a major part of the loan amount from those accounts, and very small amount was given to loanee thereby cheating the Bajaj Finance Limited.

5. This matter was heard on 04.02.2026. On that date, learned counsel for the applicant has submitted that actually, the police has taken the custody of the applicant on 14.09.2025 without showing his formal arrest. Thereafter, the sister of the applicant moved an application before the CJM, Lalitpur on 16.09.2025, mentioning therein that the police has taken the applicant into custody on 14.09.2025, but his arrest has not been shown till date. Apart from the above application, an anticipatory bail application was also filed on behalf of the applicant on 16.09.2025, mentioning therein about the illegal custody of the applicant since 14.09.2025 and same was dismissed on 18.09.2025, on being informed by the DGC (Criminal) about the arrest of the applicant in the morning of 17.09.2025.

6. The learned Chief Judicial Magistrate, Lalitpur considering the application dated 16.09.2025, directed the police station concerned vide order dated 17.09.2025 to submit report regarding illegal arrest and providing CCTV footage of the police station. When no report was submitted, then the learned Magistrate, vide order dated 22.09.2025, directed the In-charge I.O., Police Station-Kotwali, District-Lalitpur to show cause why he has not complied the order dated 17.09.2025 and also directed him to appear personally before him on 24.09.2025. A copy of this notice was also sent to the Superintendent of Police, Lalitpur. Despite the order dated 22.09.2025, neither any report was submitted nor the CCTV footage of the police station has been produced before the court. Then the CJM again issued a notice dated 30.09.2025,

directing the SHO as well as I.O. to comply his earlier order by producing CCTV footage of the police station for 14/15.09.2025 and further sought an explanation why the co-accused Rashida, despite being a lady, has been arrested at 4:00 am, though, a lady cannot be arrested after the sunset and before the sunrise. In the aforesaid notice/order, the learned CJM, specifically directed to SHO as well as I.O. to submit their explanation by 04.10.2025. Despite the order dated 30.09.2025, neither the SHO nor the I.O. of Police Station-Kotwali, District-Lalitpur has provided CCTV footage or explanation as sought by earlier order. Then the In-charge CJM, Lalitpur passed a fresh order dated 03.11.2025, directing the SHO as well as the I.O. of Police Station-Kotwali, District-Lalitpur that in view of the judgement of the Apex Court in the case of **Paramvir Singh Saini Vs. Baljit Singh And Others** reported in **(2021) 1 SCC 184**, they were required to keep the CCTV footage at least for six months, but they have not produced the CCTV footage. Therefore, they should appear before him at 10:00 am on 04.11.2025 along with the CCTV footage of the police station regarding the concerned dates. The record shows that order of the CJM, Lalitpur was neither complied by the SHO nor the I.O., Police Station-Kotwali, District-Lalitpur. For the reference, the orders dated 22.09.2025, 30.09.2025 and 03.11.2025 of CJM, Lalitpur are being quoted as under:

"न्यायालय मुख्य न्यायिक मजिस्ट्रेट, ललितपुर।

नोटिस

बनाम

प्रभारी विवेचक,

थाना कोतवाली, ललितपुर।

पत्रावली सरकार बनाम सानू उर्फ राशिद खान, मु.अ.सं.-881/2025, धारा 318(4), 338, 336(3), 340(2) बी.एन.एस. थाना कोतवाली, जिला ललितपुर के प्रकरण में प्रार्थिनी सोफिया पुत्री जाहिर खान द्वारा उक्त प्रकरण में गैर कानूनी अभिरक्षा के संबंध में सी.सी.टी.वी. फुटैज तलब किये जाने हेतु न्यायालय में प्रार्थनापत्र प्रस्तुत किया

गया था, जिस पर दिनांक 17.09.2025 को पीठासीन अधिकारी द्वारा सम्बंधित थाने आख्या प्रस्तुत किए जाने हेतु आदेशित किया गया था परंतु आपके द्वारा आज दिनांक तक न्यायालय के समक्ष उक्त के सम्बंध में कोई आख्या प्रस्तुत नहीं की गई। अतः आपको आदेशित किया जाता है कि दिनांक - 24.09.2025 को न्यायालय मुख्य न्यायिक मजिस्ट्रेट, ललितपुर में व्यक्तिगत रूप से उपस्थित होकर इस आशय का स्पष्टीकरण प्रस्तुत करना सुनिश्चित करें। उपस्थित न होने की दशा में यह माना जाएगा कि आपको कुछ नहीं कहना है एवं आपके विरुद्ध विधिसंगत कार्यवाही अमल में लायी जाएगी।

दिनांक- 22.09.2025

मुख्य न्यायिक मजिस्ट्रेट,
ललितपुर।

प्रतिलिपि - आवश्यक कार्यवाही एवं सूचनार्थ प्रेषित।

1-पुलिस अधीक्षक, ललितपुर।

न्यायालय-मुख्य न्यायिक मजिस्ट्रेट, ललितपुर।
नोटिस
बनाम

प्रापक,

निरीक्षक/थानाध्यक्ष/विवेचक
थाना कोतवाली, ललितपुर

मु.अ.सं.-881/2025, धारा-318(4), 338, 336(3), 340(2), 61(2), 341(2) बी.एन.एस., थाना कोतवाली, ललितपुर के प्रकरण में थाना से सीसीटीवी फुटेज मंगायी गयी थी जो अभी तक न्यायालय में प्रस्तुत नहीं की गयी है, जो कि बेहद आपत्तिजनक है। आपको आदेशित किया जाता है कि अग्रिम नियत तिथि तक अनिवार्य रूप से सीसीटीवी फुटेज प्रस्तुत करें। साथ-ही-साथ यह भी स्पष्ट करें कि क्यों व किन कारणों से प्रस्तुत मामले में अभियुक्ता रसीदा पत्नी जहिर खान की गिरफ्तारी सुबह 04-00 बजे, जो कि सूर्योदय से पूर्व का समय है, की गयी है।

अतः उक्त आख्या की स्पष्ट स्थिति के संबंध में आप अपना स्पष्टीकरण दिनांक 04.10.2025 को लंच उपरान्त तक व्यक्तिगत रूप से अधोहस्ताक्षरी के समक्ष उपस्थित होकर प्रस्तुत करना सुनिश्चित करें। अन्यथा की स्थिति में आपके विरुद्ध विधिसंगत कार्यवाही दर्ज की जायेगी।

दिनांक-30.09.2025

(रवि शंकर गुप्ता)
मुख्य न्यायिक मजिस्ट्रेट,
ललितपुर।

न्यायालय-मुख्य न्यायिक मजिस्ट्रेट, ललितपुर।**नोटिस****बनाम**

प्रापक,

निरीक्षक/थानाध्यक्ष/विवेचक

थाना कोतवाली, जिला ललितपुर।

नोटिस के माध्यम से आपको सूचित किया जाता है कि मु०अ०सं० 881/2025, धारा 318(4), 338, 336(3), 340(2), 61(2), बी.एन.एस. थाना कोतवाली, जिला ललितपुर के प्रकरण में न्यायालय द्वारा कई बार नोटिस जारी कर आपसे सीसीटीबी फुटेज मांगी गयी, जिन्हें आपके द्वारा प्रस्तुत नहीं किया गया है, जोकि अत्यन्त आपत्तिजनक है।

माननीय उच्चतम न्यायालय द्वारा प्रतिवादित विधिव्यस्था परमवीर सिंह सेनी बनाम बलजीत सिंह एवं अन्य स्पेशल लीव पिटीशन (क्रिमिनल) नम्बर 3543/2020 में सभी पुलिस थानों के परिसर में सीसीटीबी फुटेज लगाये जाने हेतु निर्देशित किया गया है तथा सीसीटीबी फुटेज को कम से कम छः माह तक संरक्षित रखने हेतु निर्देशित किया गया है।

माननीय उच्च न्यायालय इलाहाबाद, द्वारा प्रतिपादित विधि व्यवस्था रजत बाजपेयी बनाम उत्तर प्रदेश राज्य क्रिमिनल रिवीजन मिसलेनियस पिटीशन नम्बर 5811/2023 में थानों के सीसीटीबी कैमरे खराब अवस्था में होने के आपत्ति का विषय माना गया है।

उर्युक्त प्रकरण में किसी भी व्यक्ति के प्राण व दैहिक स्वतंत्रता जोकि भारतीय संविधान के अनुच्छेद 21 में वर्णित है, उसका मौलिक अधिकार है, के उल्लंघन से सम्बन्धित है। अतः निर्देशित किया जाता है कि आप सीसीटीबी फुटेज के साथ दिनांक 04.11.2025 को समय करीब 10:00 बजे सुबह व्यक्तिगत रूप से अधोहस्ताक्षरी के समक्ष प्रस्तुत होना सुनिश्चित करें, अन्यथा की स्थिति में आपके विरुद्ध मा० उच्चतम न्यायालय व मा० उच्च न्यायालय के द्वारा प्रतिवादित विधि व्यवस्थाओं के आलोक में अवमानना की कार्यवाही अमल में लायी जायेगी।

दिनांक 03.11.2025

भवदीय

(देवप्रिय सारस्वत),

प्रभारी- मुख्य न्यायिक मजिस्ट्रेट

जिला ललितपुर।"

7. Considering the above facts and taking into account that it is a case of not only the illegal detention, but also disobeying the direction of the Apex Court issued in the case of **Paramvir Singh Saini (supra)**, this Court, vide order dated 04.02.2026, directed the concerned SHO as well as I.O. to appear personally before this Court along with the CCTV footage dated 14/15.09.2025. On 18.02.2026, Sri Narendra Singh, present I.O. of this case, who has joined the investigation on 25.09.2025 as well as Sri Anurag Awasthi, SHO, Police Station-Kotwali, District-Lalitpur, appeared in person and expressed their inability to produce the CCTV footage, on the ground that storage capacity is only up to two months and the same has been deleted. However, they could not give any explanation as to why they have not complied with the orders of CJM, Lalitpur dated 22.09.2025, 30.09.2025 and 03.11.2025 and offered an unconditional apology for non-compliance of the order of CJM, Lalitpur. Therefore, the Court directed both these two officers to file their personal affidavits regarding the explanation for non-compliance of the order of CJM, Lalitpur and tender an apology, and the matter was posted for 19.02.2026.

8. Vide order dated 18.02.2026, SP, Lalitpur was also directed to appear personally through video conferencing to inform this Court whether District Level Oversight Committee (in short 'DLOC') has been constituted in district-Lalitpur or not.

9. Today, personal affidavits have been filed by the above two officers. In the personal affidavits, Sri Narendra Singh, present I.O. as well as S.H.O., Sri Anurag Awasthi, though, offered an unconditional apology, but did not give any reason why they have not complied with the orders of CJM, Lalitpur and simply mentioned that the same was due to inadvertence. In paragraph no.7, it has been mentioned that the earlier I.O., Kamlesh Kumar, who was investigating this case till 24.09.2025, has been

suspended by the Superintendent of Police, Lalitpur, for the reason that he did not produce the footage before the concerned court. However, from a perusal of the suspension order of Kamlesh Kumar, it is clear that he has been suspended for other reasons and not for the non-compliance of the orders of CJM, Lalitpur. It is also mentioned in the above personal affidavits of present I.O., Narendra Singh and S.H.O., Anurag Awasthi, that the storage capacity installed in the police station is 10 terabyte (TB), and therefore, the CCTV footage can be stored up to two months and for that reason, the same is not available.

10. It is further mentioned in the above personal affidavits that though a State Level Oversight Committee (in short 'SLOC') as well as DLOC have been constituted in pursuance of the Government Order dated 06.01.2021, but till date, no meeting of the aforesaid Committee has been held. In the last part of the aforesaid personal affidavits, it is mentioned that both the officers tendered their unconditional apology for the inconvenience caused to this Court.

11. Even the Superintendent of Police, Lalitpur, who appeared before this Court through video conferencing has also admitted this fact that he was not aware about the non-compliance of the order of the Chief Judicial Magistrate, Lalitpur, and had he been aware about non-compliance of order of CJM, Lalitpur then, would have taken strict action against the concerned police officers. It was also informed by the S.P., Lalitpur that he received a copy of the notice dated 22.09.2025 sent by CJM, Lalitpur to the Investigating Officer regarding CCTV footage and after receiving the same, he immediately directed the Investigating Officer as well as SHO vide order dated 23.09.2025 to comply with the order of CJM, Lalitpur. The above fact shows that SHO as well as the concerned I.O. has not complied the order of Chief Judicial Magistrate, Lalitpur deliberately and no plausible reason has been

given in their personal affidavits, except offering an unconditional apology.

12. This Court is aware of the power of courts in bail matters, but here, the issue is regarding illegal arrest and not providing the CCTV footage to the concerned CJM, despite his repeated orders. Therefore, this Court, being a Constitutional Court, cannot shut its eyes, as here the question is not only the violation of personal liberty of a person enshrined in Articles 21 and 22 of the Constitution of India, but also disregard to the order of the judicial authorities, which has effect of demeaning the authority of law.

13. The Apex Court in the case of **D.K. Basu Vs. State of West Bengal** reported in **(1997) 1 SCC 416**, considering the issue of illegal arrest and detention, observed that personal liberty of a person is a cherished right granted by our Constitution under Articles 21 and 22 of the Constitution of India. Therefore, it issued several directions including maintaining the record of arrest in General Diary, Preparation of Memo of Arrest, information to the nearest relative or family members regarding arrest, establishment of police control room in each district, information to the police control room about arrest within 12 hours from the arrest and the name of arrestee shall be displayed on the notice board of the police control room. It was also mentioned in these directions that all the documents prepared during and after the arrest, including the information to the family members, should be sent to the *Ilaka* Magistrate for his record. It was also observed by the Hon'ble Apex Court that at the time of arrest, arrest memo should be witnessed by one of the family members or any respectable person of the society and the arrestee has right to inform any friend or one of his family members. It was also observed by the Hon'ble Apex Court that these directions should be displayed at a conspicuous place of the police station and in case of any violation, that should be treated as a contempt of

Court and the High Court has been authorised to initiate contempt proceedings for any non-compliance. For reference, paragraph nos.35 and 36 of the **D.K. Basu's case (supra)** are quoted as under :

“35. We, therefore, consider it appropriate to issue the following requirements to be followed in all cases of arrest or detention till legal provisions are made in that behalf as preventive measures:

(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The “Inspection Memo” must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

36. Failure to comply with the requirements hereinabove mentioned shall apart from rendering the official concerned liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of court may be instituted in any High Court of the country, having territorial jurisdiction over the matter.”

14. The above guidelines issued by the Apex Court in the case of **D.K. Basu's case (supra)** has been incorporated in the Cr.P.C. by making amendment in different years. Section 50A was inserted by the amendment in the year 2006 and Section 60A was inserted by amendment in 2009 and thereafter, Sections 41A, 41B, 41C, 41D were added by the amendment in the year 2010. Therefore, the directions issued in **D.K. Basu's case (supra)** regarding the arrest and detention are no more simply directions taking into account Articles 21 and 22 of the Constitution of India but these directions have also become the statutory mandate as per the Cr.P.C. (Now BNSS).

15. Article 21 of the Constitution of India provides that the personal liberty of a person cannot be deprived, except in accordance with the established procedure of law and similarly, Article 22 of the Constitution of India further provides protection against the arrest and detention, and production of arrestee before the nearest Magistrate within 24 hours. For reference, Articles 21 and 22 of the Constitution of India are being quoted as under:

“21. Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. Protection against arrest and detention in certain cases.—(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien; or
(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless— (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or

(b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than two months unless an Advisory Board constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court has reported before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention:

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court:

Provided further that nothing in this clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (a) of clause (7).

Explanation.—In this clause, “appropriate High Court” means,—
(i) in the case of the detention of a person in pursuance of an order of detention made by the Government of India or an officer or authority subordinate to that Government, the High Court for the Union territory of Delhi;

(ii) in the case of the detention of a person in pursuance of an order of detention made by the Government of any State (other than a Union territory), the High Court of that State; and

(iii) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory or an officer or authority subordinate to such administrator, such High Court as may be specified by or under any law made by Parliament in this behalf.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

(7) Parliament may by law prescribe—

(a)] the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and (b) the procedure to be followed by an Advisory Board in an inquiry under clause (4).”

16. Therefore, depriving a person of his/her personal liberty by arresting him/her otherwise to the established procedure of law is not only the violation of statutory mandate of Cr.P.C. (Now BNSS), but also constitutional right under Articles 21 and 22 of the Constitution of India.

17. The Hon'ble Apex Court, again in the year 2015, in the case of **D.K. Basu Vs. State of West Bengal**, reported in **(2015) 8 SCC**

744, considering the issue regarding illegal detention as well as custodial violence, issued directions to all the State Governments as well as Union of India to install CCTV cameras at each and every place in the premises of the police station as well as at the place of investigation of other central agencies.

18. When the mandate of **D.K. Basu (supra)** issued in the year 2015 was not properly complied with, then the matter of illegal arrest and custodial violence again came before the Apex Court in the case of **Paramvir Singh Saini (supra)**, wherein the Apex Court, after considering the reply of the State Governments, including the State of U.P., issued several directions, including mandatory requirement of installing CCTV cameras at all entry, and exit points, main gates of police station, all lock ups, all corridors, all lobbies and reception area, including the Inspector room, Sub-Inspector rooms, out houses and area outside the lock-up rooms. The duty of upkeep and maintenance of CCTV cameras in police stations has been assigned to the SHO of the concerned police station. The Apex Court further directed to constitute an SLOC as well as a DLOC. The Apex Court directed that the SLOC shall be constituted by the Home Secretary, Secretary; Finance Department and the Director General of Police, and the DLOC shall be constituted by the Divisional Commissioner, the District Magistrate, the District Superintendent of Police, the Mayor of the Municipality or the Head of the Panchayat in rural areas, with a further direction that though SLOC will provide financial assistance to install CCTV cameras in all the police stations, but it is the duty of the DLOC to ensure continuous monitoring as well as repairing of the camera(s) on receiving information from the concerned SHO and inform the SLOC. It was also observed in the above directions that as soon as the CCTV camera is found in fault, then the concerned SHO shall make an entry in the register and immediately inform the DLOC for repairing the CCTV camera. Paragraph nos.10, 11, 12,

14, 15, 16, 17, 18, 21 and 22 of **Paramvir Singh Saini (supra)** are being quoted as under:

“10. So far as constitution of Oversight Committees in accordance with our order dated 3-4-2018 [Shafhi Mohammad v. State of H.P., (2018) 5 SCC 311 : (2018) 2 SCC (Cri) 704] is concerned, this should be done at the State and district levels. The State Level Oversight Committee (hereinafter referred to as “the SLOC”) must consist of:

- (i) The Secretary/Additional Secretary, Home Department;*
- (ii) Secretary/Additional Secretary, Finance Department;*
- (iii) The Director General/Inspector General of Police; and*
- (iv) The Chairperson/member of the State Women's Commission.*

11. So far as the District Level Oversight Committee (hereinafter referred to as “DLOC”) is concerned, this should comprise of:

- (I) The Divisional Commissioner/Commissioner of Divisions/Regional Commissioner/Revenue Commissioner Division of the District (by whatever name called);*
- (ii) The District Magistrate of the District;*
- (iii) A Superintendent of Police of that District; and*
- (iv) A mayor of a municipality within the District/a Head of the Zila Panchayat in rural areas.*

12. It shall be the duty of the SLOC to see that the directions passed by this Court are carried out. Amongst others, the duties shall consist of:

- (a) Purchase, distribution and installation of CCTVs and its equipment;*
- (b) Obtaining the budgetary allocation for the same;*
- (c) Continuous monitoring of maintenance and upkeep of CCTVs and its equipment;*
- (d) Carrying out inspections and addressing the grievances received from the DLOC; and*
- (e) To call for monthly reports from the DLOC and immediately address any concerns like faulty equipment.*

Likewise, the DLOC shall have the following obligations:

- (a) Supervision, maintenance and upkeep of CCTVs and its equipment;*
- (b) Continuous monitoring of maintenance and upkeep of CCTVs and its equipment;*
- (c) To interact with the Station House Officer (hereinafter referred to as "the SHO") as to the functioning and maintenance of CCTVs and its equipment; and*
- (d) To send monthly reports to the SLOC about the functioning of CCTVs and allied equipment.*
- (e) To review footage stored from CCTVs in the various police stations to check for any human rights violation that may have occurred but are not reported.*

14. The duty and responsibility for the working, maintenance and recording of CCTVs shall be that of the SHO of the police station concerned. It shall be the duty and obligation of the SHO to immediately report to the DLOC any fault with the equipment or malfunctioning of CCTVs. If the CCTVs are not functioning in a particular police station, the SHO concerned shall inform the DLOC of the arrest/interrogations carried out in that police station during the said period and forward the said record to the DLOC. If the SHO concerned has reported malfunctioning or non-functioning of CCTVs of a particular police station, the DLOC shall immediately request the SLOC for repair and purchase of the equipment, which shall be done immediately.

15. The Director General/Inspector General of Police of each State and Union Territory should issue directions to the person in charge of a police station to entrust the SHO of the police station concerned with the responsibility of assessing the working condition of the CCTV cameras installed in the police station and also to take corrective action to restore the functioning of all non-functional CCTV cameras. The SHO should also be made responsible for CCTV data maintenance, backup of data, fault rectification, etc.

16. The State and Union Territory Governments should ensure that CCTV cameras are installed in each and every police station functioning in the respective State and/or Union Territory. Further, in order to ensure that no part of a police station is left uncovered, it is imperative to ensure that CCTV cameras are installed at all entry and exit points; main gate of the police station; all lock-ups; all corridors; lobby/the reception area; all verandahs/outhouses, Inspector's room; Sub-Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the police station, etc.

17. CCTV systems that have to be installed must be equipped with night vision and must necessarily consist of audio as well as video footage. In areas in which there is either no electricity and/or internet, it shall be the duty of the States/Union Territories to provide the same as expeditiously as possible using any mode of providing electricity, including solar/wind power. The internet

systems that are provided must also be systems which provide clear image resolutions and audio. Most important of all is the storage of CCTV camera footage which can be done in digital video recorders and/or network video recorders. CCTV cameras must then be installed with such recording systems so that the data that is stored thereon shall be preserved for a period of 18 months. If the recording equipment, available in the market today, does not have the capacity to keep the recording for 18 months but for a lesser period of time, it shall be mandatory for all States, Union Territories and the Central Government to purchase one which allows storage for the maximum period possible, and, in any case, not below 1 year. It is also made clear that this will be reviewed by all the States so as to purchase equipment which is able to store the data for 18 months as soon as it is commercially available in the market. The affidavit of compliance to be filed by all States and Union Territories and Central Government shall clearly indicate that the best equipment available as of date has been purchased.

18. *Whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each district of every State/Union Territory under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigating agency in order to further process the complaint made to it.*

21. *The SLOC and the COB (where applicable) shall give directions to all police stations, investigative/enforcement agencies to prominently display at the entrance and inside the police stations/offices of investigative/enforcement agencies about the coverage of the premises concerned by CCTV. This shall be done by large posters in English, Hindi and vernacular language. In addition to the above, it shall be clearly mentioned therein that a person has a right to complain about human rights violations to the National/State Human Rights Commission, Human Rights Court or the Superintendent of Police or any other authority empowered to take cognizance of an offence. It shall further mention that CCTV footage is preserved for a certain minimum time period, which shall not be less than six months, and the victim has a right to have the same secured in the event of violation of his human rights.*

22. *Since these directions are in furtherance of the fundamental rights of each citizen of India guaranteed under Article 21 of the Constitution, and since nothing substantial has been done in this regard for a period of over 2½ years since our first order dated 3-4-2018 [Shafhi Mohammad v. State of H.P., (2018) 5 SCC 311 : (2018) 2 SCC (Cri) 704], the Executive/Administrative/police authorities are to implement this order both in letter and in spirit as soon as possible. Affidavits will be filed by the Principal Secretary/Cabinet Secretary/Home Secretary of each State/Union Territory giving this Court a firm action plan with exact timelines for compliance with today's order. This is to be done within a period of six weeks from today."*

19. From the above directions issued in **Paramvir Singh Saini's case (supra)**, it is also clear that there was a specific direction that the storage capacity of CCTV camera footage should be such that it can retain the footage for at least 18 months, with a further direction that till the technology is available for storing CCTV footage for 18 months, it should be preserved up to 6 months. The SOP issued by the Director General of Police, U.P. in May, 2021, prescribed the maintenance of CCTV footage, but by the DG Circular dated 20.06.2025, it was directed that CCTV footage should be maintained up to 2-2½ months, which itself is contrary to judgement of Apex Court in the case of **Paramvir Singh Saini (supra)**.

20. As of date, not properly maintaining the CCTV camera has become a routine feature in several police stations of U.P., which is seriously affecting the personal liberty of persons who were illegally taken into custody by the police.

21. The facts of the present case show that the police officers at the level of the Inspector, disregarding the order of the CJM, who is the head of the Magistracy in the District Court, though the CJM or any Judicial Officer, while discharging his duty as a Judicial Officer, is much above the administrative and executive officers, and his role can be equivalent to that of the legislature and political executive (ministers).

22. The Apex Court in the case of **All India Judges Association Vs. Union of India and others**, reported in **(2024) 1 SCC 546**, has also observed that the Judges are not comparable with the administrative and executive officers. They discharge sovereign state function and just like the Council of Ministers or political executive, their service is different from the secretarial staff or administrative executive, which carries out the decisions of the political executive. Therefore, they are only comparable with

political executive and legislature. Therefore, it is clear that while a Judicial Officer (may be the Judicial Officer of Junior Division) is discharging his judicial function, he is above to the District Magistrate or District Police Chief and even to political head of a State. Anyone entering his Court has to give respect to the Chair of the concerned Judicial Magistrate and disregarding the order of Judicial Magistrate is not only the contempt of Court, but also challenging the authority of law, as they are discharging their duty to uphold the rule of law. District Judicial Officers are the first who grant relief to a common person. Therefore, they are the backbone of the judiciary, and disrespecting or disregarding the judicial orders passed by the judicial officers in the District Courts is absolutely unpardonable and deserves to be punished, being contempt of their Courts;

23. Section 10 of the Contempt of Courts Act, 1971 (in short 'the Act of 1971') provides that the High Court has the authority to punish for contempt of subordinate courts. Therefore, if any order of Judicial Officer of a District Court has not been complied or disobeyed, then the High Court, in exercise of its power u/s 10 of the Act of 1971, can punish the contemnor for the contempt of the Subordinate Court.

24. In the present case, both the officers have admitted their fault to disregard the orders dated 22.09.2025, 30.09.2025 and 03.11.2025 passed by the CJM, Lalitpur and also offered unconditional apology. Therefore, this Court, instead of sending this matter to the regular Contempt Court, itself proceeded with against both the officers, namely, Narendra Singh and Anurag Awasthi. Therefore, this Court holds both the officers guilty of contempt of the court of CJM, Lalitpur for deliberate non-compliance of his orders dated 22.09.2025, 30.09.2025 and 03.11.2025 but taking lenient view so far as the sentence is concerned, the Court sentences them to remain in custody till

rising of this Court. The Court Officer, High Court, Allahabad is directed to take both these officers into custody and they shall be released after 4:00 pm today. They are further warned that in future, any disobedience of the orders passed by judicial officers of the District Court on their part shall be dealt with strictly, in accordance with law.

25. This Court further directs the Director General of Police, U.P., Lucknow to look into this issue and take appropriate action against erring police officers, in accordance with law.

26. This Court, considering the fact that CCTV cameras installed at police stations, are not being regularly checked by the DLOC or senior police officials, despite the directions of the Apex Court in the case of **Paramvir Singh Saini (supra)** which is the law of land under Article 141 of the Constitution of India that is binding not only on the Courts, but on all the police officers. If a police officer fails to discharge his duty to comply with the directions of the Apex Court, then it is the paramount duty of the judicial officers to see whether the directions of the Apex Court has been complied with by the police officer in letter and spirit or not.

27. Therefore, this Court further observed that the CJMs of all the districts or the concerned Magistrates may randomly check the police stations, under their respective jurisdictions after court hours regarding the working of CCTV cameras in police stations, with prior intimation to their District Judge, and if the CJM or the Judicial Magistrate having territorial jurisdiction over the concerned police station inspects the concerned police station to check the CCTV camera to verify whether the directions of the Apex Court in the case of Paramvir Singh Saini (supra) has been complied that would be considered as part of his/her official duty. During this inspection, all the police officials shall cooperate with him

and any hinderance or disrespect to any judicial officer will be dealt with strictly.

28. In the case of **Paramvir Singh Saini (supra)**, Hon'ble Apex Court has also observed that in the case of custodial violence, complaint may be made to Human Rights Courts established under Section 30 of Human Rights Act, 1993 (Act No.X of 1994) and Human Rights Court can immediately summon the CCTV footage in relation to incident for safe upkeeping and same may be made available to the Investigating Agency for the purpose of determining Human Rights violation. The Allahabad High Court by Notification dated 02.05.2005 has already notified senior most Additional District Judge in the district judgeship as Human Rights Court and in absence of court of Additional District & Sessions Judge, the Court of District Judge. The Notification dated 02.05.2005 is being quoted as under:

*UTTAR PRADESH SHASAN
NYAYA ANUBHAG-8 (LEKHA)*

NOTIFICATION
MISCELLANEOUS

*No: A-20/VII-Nyaya-8-05-36G-2000
Lucknow, Dated May 02, 2005*

In exercise of the powers under section 30 of the Protection of Human Rights Act, 1993 (Act No. X of 1994) read with Section 21 of the General Clauses Act, 1894 (Act No. X of 1894) And in Supersession of Government notification no. 2688/VII-Nyaya-2-169G-94, Dated September 25,1995 the Governor, with the concurrence of the Chief Justice of the High Court of Judicature at Allahabad, is pleased to specify that the Courts as mentioned in the Schedule below shall be the Human Rights Court to try offences arising out of violation of Human Rights within the respective local limits of the districts.

Schedule

Sl. No.	Court
1	<i>The court of Senior Most Additional District & Session Judge of every district.</i>
2	<i>The court of District & Session Judge where there is no court of Additional District & Sessions Judge</i>

By-order,
(Dhram Veer Sharma)
Principal Secretary

29. From the above discussion, it is clear that Human Rights Court at every district can entertain complaint regarding violation of Human Rights which also includes illegal detention by police or custodial violence in police station and proceed in accordance of law.

30. This Court is aware about the judgement of the Apex Court in the case of **Delhi Judicial Service Association, Tis Hazari Court, Delhi Vs. State of Gujarat And Others** reported in **1991(4) SCC 406**, wherein, the Apex Court has observed that a judicial officer should not visit the police station, except in connection with his official or judicial duty and function, and for that reason, this Court is making the inspection by a Judicial Magistrate or CJM, of police stations, for checking the working of CCTV cameras, in compliance with the order of Apex Court in **Paramvir Singh Saini (supra)** as part of their official duty.

31. Now, coming to the present case, it is clear, from the facts discussed above, that the present applicant was illegally detained by the earlier I.O., Sri Kamlesh Kumar and for that reason, he as well as his successor Sri Narendra Singh, Inspector and S.H.O. Sri Anurag Awasthi failed to provide the CCTV footage to the CJM. When the sister of the applicant filed an application for anticipatory bail as well as an application on 16.09.2025 before the CJM, complaining of the illegal arrest of the applicant, only then his formal arrest was shown on 17.09.2025. Even the information of arrest of the applicant was not given to the family members of the applicant. The memo of information produced by the learned AGA shows that information regarding arrest dated 17.09.2025 was given to the father of the applicant by taking his signature, but no date was mentioned in the said memo. Therefore, the arrest of the applicant from 14.09.2025 to 16.09.2025 shall be considered illegal.

32. Therefore, this Court further directs the State Government to pay compensation of Rs.1 lac to the applicant in lieu of his illegal detention, and the State Government is at liberty to recover the same from the salary of the persons responsible for the illegal detention of the applicant.

33. Learned counsel for the applicant has submitted that his client was illegally detained on 14.09.2025, and his formal arrest was shown on 17.09.2025. The information of his arrest itself was not given to his family members, immediately after his formal arrest, which was shown as 17.09.2025. Therefore, on this ground itself, the applicant is entitled to be released on bail. It is further submitted by learned counsel for the applicant that he is willingly offering to pay Rs.15 lakhs to the Bajaj Finance Limited, as there appears to be some negligence on his part being empanelled in DSA of Finance Company of first informant and he undertakes that within 15 days from his release, he will return the aforesaid amount to the Bajaj Finance Limited. He has further requested that the concerned Bank where the applicant is having his account may be directed to permit transfer of the aforesaid amount in the account of the Bajaj Finance Limited as his account has been seized.

34. 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 the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan Vs. Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** 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.

35. Let the applicant- **Sanu @ Rashid**, 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.

v. The applicant as per his undertaking will transfer Rs.15 lacs to the Finance Company of the first informant.

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

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

38. 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.

39. 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.

40. 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**.

41. **Registrar (Compliance)** is directed to send a copy of this order to the Director General of Police, U.P., Lucknow and all District Judges of U.P., for necessary compliance.

Ref : Criminal Misc. Correction Application No.2 of 2026 :

42. Heard learned counsel for the applicant in support of this application.

43. The correction application is ***allowed***.

44. Let the date "14.09.2025" appearing in the fourth line of the second paragraph of the order dated 04.02.2026 be treated to be deleted and read as "14/15.09.2025".

(Arun Kumar Singh Deshwal,J.)

February 19, 2026
S.C.