



Bail and Related Provisions in India



BAIL AND RELATED PROVISIONS IN INDIA



“The issue of bail is one of liberty, justice, public safety, and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitised judicial process.”

—Justice V.R. Krishna Iyer

Constitutional Provision for Arrest - Article 22:

Grants protection to individuals arrested or detained, with detention classified into two types:

- ➔ **Punitive detention:** To punish a person for an offence committed by him after trial and conviction in a court
- ➔ **Preventive detention:** Detention of a person without trial and conviction by a court

Criminal Procedure Code, 1973: Doesn't define bail, but defines bailable and non-bailable offences:

Type of Offence	Bailable	Non-Bailable
<ul style="list-style-type: none"> Defined under CrPC as: 	An offence mentioned in Schedule 1, or An offence made bailable by any other law	Any offence other than bailable
<ul style="list-style-type: none"> Power to Grant Bail 	Bail as a right	Court/Police discretion based on the facts

Types of Bails in India

- Regular Bail:** Court's order to release person under arrest in police custody
- Interim Bail:** Court grants temporary relief until application for Anticipatory Bail or Regular Bail is decided
- Anticipatory Bail:** Bail granted preemptively to prevent arrest
- Default Bail:** When police fail to complete investigation within specified period
- Medical Bail:** Solely on medical grounds

Cancellation of Bail - Certain Grounds

- Misuses his liberty by indulging in criminal activity
- Interferes with course of investigation
- Tampering of evidence
- Threatens witnesses, etc

Bail vs Parole vs Probation

Bail	Parole	Probation
<ul style="list-style-type: none"> Temporary release of defendant awaiting trial or appeal, secured by deposit to guarantee their appearance in court 	When person gets some time off from jail sentence, for instance, to fulfil some requirements	Suspension of sentence of an offender, allowing to stay in community under supervision of an officer
<ul style="list-style-type: none"> Granted by Judge 	By Parole Board	By Judge



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