



Jharkhand CM Interim Bail Plea

Why in News?

Recently, the [Enforcement Directorate \(ED\)](#) has opposed [interim bail](#) to former Jharkhand Chief Minister Hemant Soren.

Key Points

- According to ED, Hemant Soren was guilty of the offence of [money laundering](#) for which he was arrested in January 2024.
- **Interim bail** is granted temporarily during the pendency of a case when regular bail cannot be immediately obtained.
 - The term "**interim bail**" is **not** explicitly defined in **the Code of Criminal Procedure (CrPC)**.

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
Defined under CrPC as:	An offence mentioned in Schedule 1, or An offence made bailable by any other law	Any offence other than bailable
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
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
Granted by Judge	By Parole Board	By Judge

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