

Anticipatory Bail and Bail

ANTICIPATORY BAIL and BAIL

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An excerpt from the book is as follows It is now largely accepted that man is born free. The right to liberty is his natural right. In society it is his fundamental right. However, he has to respect the rights of others recognized by law like the inviolability of their body and their property. The protagonists of the right to freedom had evolved a working principle now accepted in all countries of Anglo American jurisprudence: the accused shall be presumed to be innocent till he is proved to be guilty. The right to liberty is the thesis and confinement antithesis. When a person is reasonably suspected to have committed an offence the machinery of law is set in motion to arrest him and to bring him to trial and punish him if found guilty. In this process the care is taken that the thesis (liberty) is not blotted out by the antithesis (confinement). The concept of bail was evolved as the synthesis. 2. The act of arrest deprives a man of his liberty. Bail sets him free on securing his promise to take trial at a future date and to undergo punishment if found guilty. The promise is given in the form of bonds, security in cash or property. The security is forfeited if the promise is broken. Law and Practice The concept of bail flows from the right to liberty which is sanctified as one of the fundamental rights in the Constitution of India in Article 21 and its practice prescribed in Article 22 2 as a working theorem and its corollaries in the provisions of sections 436, 437 and 439 of the Code of Criminal Procedure, 1973 with a new multiple of anticipatory bail thrown in to be resolved into infinite kindly factors by the developed minds of judges imagining what the true state of facts would have been to balance for the time being the agonies of the supposed wrong-doer and the wronged. 1. Article 21 reads: Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to

procedure established by law 2. Article 22 and other relevant articles of the Constitution are reproduced in Appendix 1 and sections 56, 57, and 167 of the Code of Criminal Procedure, 1973 which serve as the working appendages of Article 22 are given in Appendix 2. 3 Bailable Offences - Section 436 relates to granting of bail in bailable offences. The language of the section is imperative and the magistrate or a police officer in charge of a police station is bound to release the person on bail or recognizance. The section reads as under: 436. + In what cases bail to be taken - (1) When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such person shall be released on bail. Provided that such officer or Court, if he or it thinks fit, [may, and shall if such person is indigent and is unable to furnish surety, instead of taking bail] # from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided: Explanation: -Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the court to presume that he is an indigent person for the purposes of this proviso. # # Provided further that nothing in this section shall be deemed to affect provisions of sub-section 3 of section 116 or (Section 446-A). # # (2) Notwithstanding anything contained in sub -section (1), where a person has failed to comply with the conditions of the bail-bond as regards the time and place of attendance, the Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the Court or is brought in custody ...

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Anticipatory Bail - Anticipatory Bail. - +. Anticipatory bail is a direction to release a person on bail, issued even before the person is arrested. WHEN CAN A PERSON APPLY. **Anticipatory Bail In India Bail Arrest - Scribd** Critical Analysis of Law of Anticipatory Bail with Special Reference to Cases Decided by Supreme Court of India. Submitted By Roll No. 06 VIIth Semester **I just heard that Jayalithaa was granted interim bail. What exactly** These are the three kinds of bail that IPC provides to an accused person. Anticipatory bail- This is the bail asked by a person who has an anticipation that he **Crpc: Anticipatory Bail - SlideShare** Aug 31, 2015 S.438(2) permits the High Court or the Sessions Court to include such conditions in the order granting anticipatory bail in the light of the **Shilpa Shetty: Thane court grants anticipatory bail to Shilpa Shetty** 3 days ago MUMBAI: A Thane Sessions court on Tuesday granted interim protection against arrest to actress Shilpa Shetty, her husband Raj Kundra and **How to Get Anticipatory Bail - Learning Center** PRACTICAL ASPECTS OF ANTICIPATORY BAIL : THE NICITIES The necessity of granting arises mainly because sometimes influential persons try to implicate **Anticipatory bail - Wikipedia** It is strongly recommended that you consult a legal practitioner immediately for legal help. An anticipatory bail may thus be applied for in cases where there is a reasonable apprehension that a possibly false case involving a non-bailable **What is the difference between, anticipatory bail, regular bail, and Bail, Anticipatory Bail and Cancellation by Arjun Joshi on Prezi** Interim bail is pretty much exactly what it seems like bail granted to a person for an interim The main difference between interim and anticipatory bail, is that the latter is bail granted in anticipation of arrest, ie, prior to being taken into custody. **Anticipatory Bail Jaago Re** Sep 1, 2016 Anticipatory bail can be obtained by a person who anticipates arrest. Hence, anticipatory bail is a direction to release a person on bail, even **In India, what grounds do I need to apply for anticipatory bail in case** Anticipatory Bail application can be applied by any person seeking for legal relief of temporary freedom until his case is disposed of. The anticipatory bail **ANTICIPATORY BAIL- Section 438 in The Code Of Criminal** Court granting anticipatory bail should not substitute itself for the original Court and the duration of the bail order should also be limited. **Anticipatory Bail Direction to Surrender is illegal -** Jan 27, 2017 The Code of Criminal Procedure in 1898 did not have a provision for providing anticipatory bail which is bail in anticipation of arrest. In the 41st **5 Main Differences between Bail and Anticipatory Bail** Mar 7, 2015 Law of Crime II Criminal Procedure Code I First internal Assessment **ANTICIPATORY BAIL** Section 438 in INTRODUCTION Anticipatory bail is **What Should Be The Duration Of Anticipatory Bail Order -** Under Indian criminal law, there is a provision for anticipatory bail under Section 438 of the Criminal Procedure Code. Law Commission of India in its 41st report **Anticipatory Bail by Shreejoyee Bhattacharya :: SSRN** Feb 17, 2017 Criminal Case Nos. 99 and 15283 of 2012 respectively whereby the High Court granted anticipatory bail to the respondents herein. Dec 22, 2013 Can the Anticipatory Bail once granted be cancelled by the Court? Yes, Lastly the most important thing is that anticipatory bail should not be **What is the rule for anticipatory bail? - Quora** As explained by Ayush below, an anticipatory bail is a type of bail that is availed before the arrest actually happens. Formalities of securing bail after the arrest is **Practice Of Limiting The Duration Of Anticipatory Bail And Obtaining** Anticipatory bail does not mean that bail be granted before arrest but refers to a pre-arrest order passed by a court that says that in the event a person is arrested **What is Anticipatory Bail? - Shonee Kapoor** Jul 19, 2016 An anticipatory bail is granted by Indian courts under Section 438 Cr.P.C. to protect individuals liberty. Anticipatory bail literally means pre **What is the Procedure for Anticipatory Bail or Stay on Arrest in** **ANTICIPATORY BAIL IN** By- Rajesh Pathak,. INDIA:CRITICALANALYSIS 4th year,. KIIT School Of Law. MEANING. An accused person is presumed under the **Anticipatory Bail Rohit Dangare -** Jul 9, 2013 Bail, anticipatory bail, regular bail, notice bail, transit bail and stay on arrest in cases u/s 498a/406/34. **Anticipatory bail judgements that can be used by husbands to** Anticipatory Bail - Direction to surrender militates against the concept of anticipatory bail. It makes the order operative without the petitioner arrested. **ANTICIPATORY BAIL IN** By - SSRN Apr 21, 2016 Notice Bail: Accused or alleged person (before FIR) apply for anticipatory bail under CrPc 438 to the court of session. Court can grant protection **How to get an anticipatory bail - Quora** (2) The provisions relating to bail were contained in the old Code of Criminal Procedure, 1898 also but there was no provision

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for grant of anticipatory bail in the