

What is Anticipatory Bail?

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What Is Bail?

- The term 'bail' originated from an old French verb 'bailer' which means 'to give' or 'to deliver'. Bail refers to the provisional release of the accused in a criminal case in which the court is yet to announce the judgement.

Types of Bail In India

Depending upon the stage of the criminal matter, there are commonly three types of bail in India:

- **Regular bail**- It is generally granted to a person who has been arrested or is in police custody. A bail application can be filed for the regular bail under section 437 and 439 of CrPC.
- **Interim bail**- This type of bail is granted for a **short period of time and it is granted before the hearing for the grant of regular bail or anticipatory bail.**

- **Anticipatory bail-** It is granted under section 438 of CrPC either by session court or High Court. An application for the grant of anticipatory bail can be filed by the person who discerns that he may be arrested by the police for a non- bailable offence.

Conditions for bail in bailable offence are:

- There are sufficient reasons to believe that the accused has not committed the offence.
- There is sufficient reason to conduct further enquiry in the matter.
- The person is not accused of any offence punishable with death, life imprisonment or imprisonment up to 10 years.

Conditions for bail in non- bailable offence are:

- If the accused is a woman or a child, bail can be granted in a non-bailable offence.
- If there is lack of evidence then bail in non-Bailable offences can be granted.
- If there is delay in lodging FIR by the complainant, bail may be granted.
- If the accused is gravely sick.

Cancellation of Bail

- Court has the power to cancel the bail even at a later stage. This power is laid upon the court under section 437(5) and 439(2) of the CrPC. The court can cancel the bail granted by it and give directions to the police officer to arrest the person and keep in police custody.

Q1) What is the difference between IPC and the CrPC?

IPC is the principal criminal code of India that defines crimes and provides punishments for almost all kinds of criminal and actionable wrongs while CrPC is the procedural law that provides a detailed procedure for punishments under penal laws.

Source: [The Hindu](#)

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