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5.	Sidharth Luthra and Aayushi Sharma Khazanchi, <i>Seeking Consistency in Bail Jurisprudence</i> in TAKING BAIL SERIOUSLY THE STATE OF BAIL JURISPRUDENCE IN INDIA 215-224 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Lexis Nexis ed., 2020)	162
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Case Law <i>(Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for conclusive opinion)</i>		
General Principles of Bail		
1.	<i>Satender Kumar Antil v. CBI</i> , 2021 10 773 [‘The Supreme Court issued guidelines for grant of bail and categorized offences without fettering the discretion of the courts concerned and keeping in mind the statutory provisions. Further held, where the accused have not cooperated in the investigation nor appeared before the investigating officers, nor answered summons when the court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the benefit of the above guidelines cannot be given to such accused. Lastly, held, it is not as if economic offences not covered by Special Acts, are completely taken out of the aforesaid guidelines but do form a different nature of offences. Thus the seriousness of the charge has to be taken into account but simultaneously, the severity of the punishment imposed by the statute would also be a factor.]	
2.	<i>Girish Gandhi v. The State of Uttar Pradesh & Ors.</i> , 2024 INSC 617 [The Supreme Court while holding that the accused need not furnish multiple sureties against multiple bail orders emphasised that courts can do away with the condition of local surety if its insistence delays the release of the accused from jail and renders the bail order ineffective.]	
3.	<i>Ramchandra Thangappan Aachari v. State of Maharashtra</i> , Special Leave to Appeal (Crl.) No. 3363/2024 [The Supreme Court directed the release of a POCSO convict who continued to remain in custody despite a bail order passed months before. The petitioner had been unable to secure release due to his inability to furnish local surety. The court observed that continuing to keep him	

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in custody despite a bail order would violate his fundamental rights under Article 21 of the Constitution.]

4. **Ritu Chhabaria v. Union of India**, 2023 INSC 436 [The Apex Court observed that if the Investigating Agency files a chargesheet without completing the investigation, the same would not extinguish the right of the accused to get default bail. It further observed that the Trial Court, in such cases, cannot continue to remand the arrested person beyond the maximum stipulated time without opting arrested person default bail.]
5. **Directorate of Enforcement v. Kapil Wadhawan**, 2023 SCC OnLine SC 972 [Answering a reference on a significant point of law, the Supreme Court held that the day of remand is to be included for considering for considering a claim for default bail. The remand period will be calculated from the date when the Magistrate remanded the accused. An accused becomes entitled to default bail if the chargesheet isn't filed by 61st or the 91st day of the remand, the bench stated.]
6. **Priya Indoria v. State of Karnataka**, 2023 SCC OnLine SC 1484 [Sessions Court or High Court would have the power to grant interim/transit anticipatory bail, when the FIR is not registered within the territory of a particular State but in a different State.]
7. **In Re: Policy Strategy for Grant of Bail**, 2022 SCC OnLine SC 1487 [Guidelines issued with respect to disposal of criminal cases by resorting to the triple method of plea bargaining, compounding of offences and under the Probation of Offenders Act, 1958.]
8. **Mohammed Zubair v. State of NCT of Delhi**, 2022 SCC OnLine SC 897 [The 6 FIRs filed in Ghaziabad, Chandauli, Lakhimpur, Sitapur, Hathras have also been transferred from the Uttar Pradesh Police to the Special Cell of the Delhi Police, thereby disbanding the SIT formed by the Director General of Police, Uttar Pradesh on 10 July 2022. If any other related FIR is filed against Zubair then the same will also be transferred to the Special Cell of the Delhi Police and Zubair shall be entitled to the order of interim bail.]
9. **Ram Govind Upadhyay v. Sudarshan Singh and Others**, (2022) 3 SCC 598 [Grant of bail though being a discretionary order but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for Bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the Court and facts however do always vary from case to case.]
10. **Arnab Manoranjan Goswami v. State of Maharashtra**, (2021) 2 SCC 427 [The Supreme Court observed that criminal law should not become a tool for selective harassment of citizens. The High Courts and Courts in the district judiciary of India must enforce this principle in practice, and not forego that duty, leaving this Court to intervene at all times.]
11. **Manoj Devi v. Pappu Kumar**, (2022) 4 SCC 497 [Grant of bail under S. 439 though being a discretionary order, but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course and, thus, order for bail bereft of any cogent reason cannot be sustained. Therefore, prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case and, thus, serious nature of accusations and facts having a bearing in the case cannot be ignored, particularly, when the accusations may not be false, frivolous or vexatious in nature but supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion.]
12. **Deepak Yadav v. State of U.P. and Another**, 2022 SCC OnLine SC 672 [It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail

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can be cancelled :- **a)** Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record. **b)** Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim. **c)** Where the past criminal record and conduct of the accused is completely ignored while granting bail. **d)** Where bail has been granted on untenable grounds. **e)** Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice. **f)** Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified. **g)** When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.]

13. **Dataram Singh v. State of Uttar Pradesh**, (2018) 3 SCC 22 [Factors and considerations for grant or refusal of bail: Need of humane approach while dealing with applications for remanding matter to police or judicial custody, stressed. There is overcrowding in jails due to non-adherence to basic principles of criminal jurisprudence regarding grant of bail and presumption of innocence. Even if grant or refusal of bail is entirely upon discretion of Judge, it must be exercised in a judicious manner and in a humane way as such remanding hampers dignity of accused howsoever poor he might be.]
14. **Sumit Mehta v. State of N.C.T. of Delhi**, (2013) 15 SCC 570 [There must be a balance between the individual's right to freedom and personal liberty and the duty of investigation by police.]
15. **Gudikanti Narsimhulu v. Public Prosecutor**, (1978) 1 SCC 240 [The Supreme Court highlighted the importance of personal liberty of an accused. The Supreme Court emphasized on creating a balance between the right and liberty guaranteed under Article 21 of the Constitution of India and the interest of justice as well as the society which is sought to be protected by Section 437 Cr.P.C.]
16. **State of Rajasthan, Jaipur vs Balchand**, (1977) 4 SCC 308 [The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the court.]
17. **Emperor v. H.L. Hutchinson**, 1931 SCC OnLine All 14 [It was observed that on general principles, and on the principles on which sections 496 and 497 of the Criminal Procedure Code, 1898 are framed, **the grant of bail should be the rule and refusal of bail should be the exception.**]

Expeditious Disposal of Bail Applications

1. **Rajanti Devi @ Rajanti Kumari v. The Union of India**, Miscellaneous Application No. 2578 of 2023 [The Supreme Court directed that High Courts should scrupulously follow the directions/ guidelines issued by the Supreme Court in various decisions. The Court also left it to the High Courts to evolve a mechanism for speedy disposal of bail applications.]
2. **Anna Waman Bhalerao v. State of Maharashtra**, 2025 INSC 1114 [The Supreme Court directed High Courts and trial courts across the country to take up bail and anticipatory bail applications for disposal within a short time frame, preferably within two months.]
3. **Satendar Kumar Antil v. CBI**, 2022 10 SCC 51 [The Supreme Court directed that Bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise, with the exception being anintervening application. Applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application.]
4. **Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In re.**, (2021) 10 SCC 598 [Directions issued regarding reformation and clarity of procedure and practices relating to investigation, prosecution, trial, evidence, judgment and bail. Draft Rules of Criminal Practice, 2021, to be finalised and read in terms of discussion in this order. All High Courts and State Governments should incorporate the Draft Rules of Criminal Practice, 2021 annexed to the present

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order read with clarifications and directions herein.]

5. **Tulsi Ram Sahu v. State of Chattisgarh**, Petition(s) for Special Leave to Appeal (Crl.) No(s). 2564/2022; 08-09-2022 [At least the bail applications whether it is pre-arrest bail or post-arrest bail (under Section 438 or 439 of the Code) must be decided as expeditiously as possible. Although we are not supposed to give any guidelines for the disposal of the bail applications but at the same time we always expect that bail applications must be decided as expeditiously as possible and not to be posted in due course of time."]
6. **Saudan Singh v. State of Uttar Pradesh** 2022 SCC OnLine SC 697 [While granting bail to appellant the court observed: "*The only issue is whether in a criminal appeal of the year 2012 pending before the High Court where criminal appeals in the normal course are being heard of the 1980s and the appellant having undergone 12 years of actual incarceration is still to be denied bail! The High Court seems to think so and, to say the least, we completely disagree*". The bench also called for a report from the Registrar on the position of non-availability of a Bench to hear criminal appeals, and also how many applications are pending consideration of bail where the appeal is pending consideration and the person incarcerated has spent more than 14 years in actual custody as also cases where they may have been in incarceration for more than 10 years.]
7. **Hussain and Anr. v. Union of India**, (2017) 5 SCC 702 [Bail applications be disposed of normally within one week; Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long.]

SESSION – 2 CONDITIONS FOR GRANT OF BAIL: SCOPE & LIMITS

CASE LAW

(Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for conclusive opinion)

1. **Sharwan Kumar Yadav @Sharwan Yadav v. State of Bihar Special Leave Petition (Criminal) Diary No.27349/2024** [The Supreme Court expressed disappointment over an 'absurd' condition for bail where the bail was granted to an accused on the condition that the victim of the offence should stand as his surety. The Court lamented how such a condition led to the petitioner suffering in jail for a year despite being ordered for release.]
2. **Jitendra Paswan Satya Mitra v. State of Bihar**, Crl.A. No. 3648/2024 [The Supreme Court held that once a court concludes that an accused is entitled to bail, it cannot delay the implementation of the bail order as it may violate the rights guaranteed under Article 21 of the Constitution.]
3. **Frank Vitus v. Narcotics Control Bureau**, 2024 INSC 479 [The Supreme Court held that there cannot be a bail condition that enables the police to constantly track the movements of the accused and virtually peep into the privacy of the accused.]
4. **Sudeep Chatterjee v. The State of Bihar & Anr.**, 2024 INSC 567 [Supreme Court sets aside bail condition that husband should fulfill all physical and financial requirements of wife. The Court while setting aside onerous conditions set by the High Court while granting provisional bail to a husband in a criminal cruelty case, stressed that in cases, especially which are an off-shoot of matrimonial disputes, courts have to be very cautious in imposing conditions while granting anticipatory bail.]
5. **Nanhak Manjhi V. The State of Bihar**, SLP(Crl) No. 14784/2024; **Upendra Manjhi V. The State of Bihar**, SLP (Crl) No. 14764/2024 [The Supreme Court observed that bail condition that accused shall furnish bail bonds 6 months after passing of order can't be imposed.]

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6. Mursaleen Tyagi v State of UP, SLP(Crl) No. 000898/ 2023 [The Supreme Court emphasised that bail with onerous conditions should only be granted under exceptional circumstances and not in ordinary matters.] 7. Talat Sanvi v. State of Jharkhand, 2023 SCC OnLine SC 103 [It was held that interim victim compensation cannot be imposed as a condition for grant of bail.] 8. Mohammad Azam Khan v. State of Uttar Pradesh, 2022 SCC OnLine SC 653 [The Supreme Court set aside a bail condition imposed by the High Court to seal the premises of a University while granting bail. The Bench expressed disappointment at the new trend in bail orders, wherein the High Courts' are exceeding their authority to delve into issues which are not relevant to the determination of the bail pleas.] 9. Aparna Bhat v. State of MP, 2021 SCC OnLine 230 [The Supreme Court set aside the bail condition imposed by the High Court upon the person (accused of outraging the modesty of women) to request the victim to tie the rakhi around his wrist. The Court further observed that “using rakhi tying as a condition for bail, transforms a molester into a brother, by a judicial mandate. This is wholly unacceptable, and has the effect of diluting and eroding the offence of sexual harassment.”] 10. Dharmesh v. State of Gujarat, (2021) 7 SCC 198 [The Supreme Court found that direction passed by the High Court requiring the appellant-accused to deposit a sum of Rs 2 lakhs each towards compensation to the victims, as a condition for grant of bail was not sustainable.] 11. M.D. Dhanpal v. State, (2019) 6 SCC 743 [Bail cannot be made conditional upon heavy deposits beyond financial capacity of applicant.] 12. Kunal Kumar Tiwari v. State of Bihar, (2018) 16 SCC 74 [The Court observed that some of the conditions imposed are highly onerous and are absurd. Such onerous anticipatory bail conditions are alien and cannot be sustained in the eyes of law. The conditions imposed appear to have no nexus with the good administration of justice or advancing the trial process, rather it is an over-zealous exercise in utter disregard to the very purpose of the criminal justice system.”] 13. Mithun Chatterjee v. State of Odisha, Special Leave to Appeal (Crl.) No(s).4705/2021 [The Supreme Court held that imposition of onerous conditions for grant of bail tantamount to denial of bail.] 14. Sumit Mehta v. State (NCT of Delhi), (2013) 15 SCC 570 [It was held that while exercising utmost restraint, the Court can impose conditions countenancing its object as permissible under the law to ensure an uninterrupted and unhampered investigation.] 15. Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40 [It was held that objective of imposing condition is to secure the attendance of accused during pendency of trial and should not be punitive.]		
SESSION – 3 BAIL UNDER SPECIAL STATUTES		
1.	Vrinda Bhandari, Bail and Terror Offences: An Analysis , in TAKING BAIL SERIOUSLY – THE STATE OF BAIL JURISPRUDENCE IN INDIA , ed. Salman Khurshid et al (Lexis Nexis, Gurgaon, 2020)	211
2.	Swarnendu Chatterjee, The Fundamental Tussle between Bails and Fundamental Rights : Analysing the Vijay Chaudhary Judgment and Determining a Way Forward , 2022 SCC OnLine Blog Exp 66	232

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CASE LAW

(Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for conclusive opinion)

1. **Jalaluddin Khan v. Union of India**, 2024 INSC 604 [*The Supreme Court held that 'bail is the rule and Jail is the exception' even in special statutes like UAPA. The Court distinguished Gurwinder Singh v. State of Punjab, 2024 5 SCC 403.*]
2. **Gurwinder Singh v. State of Punjab**, 2024 5 SCC 403 [*The Supreme Court observed that "the conventional idea in bail jurisprudence vis-à-vis ordinary penal offences that the discretion of Courts must tilt in favour of the oft-quoted phrase - 'bail is the rule, jail is the exception' – unless circumstances justify otherwise - does not find any place while dealing with bail applications under UAP Act. The 'exercise' of the general power to grant bail under the UAP Act is severely restrictive in scope. The form of the words used in proviso to Section 43D (5)– 'shall not be released' in contrast with the form of the words as found in Section 437(1) CrPC - 'may be released' – suggests the intention of the Legislature to make bail, the exception and jail, the rule".*]
3. **Manish Sisodia v. Directorate of Enforcement**, 2024 INSC 595 [*The Supreme Court observed that it appears that the trial Courts and the High Courts attempt to play safe in the matters of grant of bail. The principle that bail is a rule and refusal an exception is at times followed in breach...on account of non-grant of bail, even in open-and-shut cases, this court is getting huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial Courts and the high Courts should recognise that bail is the rule and jail an exception.*]
4. **Kalvakuntla Kavitha v. Directorate of Enforcement**, 2024 INSC 632 [*The Court observed that the benefit of first proviso to Section 45 PMLA cannot be denied merely because a woman is well-educated or an MP/MLA.*]
5. **Arvind Kejriwal v. Central Bureau of Investigation**, 2024 INSC 687 [*The Supreme Court granted bail considering the fact that the chargesheet has been filed in the case and that the trial is unlikely to be completed in the near future. The Court further observed that "if an accused approaches the High Court directly without first seeking relief from the Trial Court, it is generally appropriate for the High Court to redirect them to the Trial Court at the threshold. Nevertheless, if there are significant delays following notice, it may not be prudent to relegate the matter to the Trial Court at a later stage. Bail being closely tied to personal liberty, such claims should be adjudicated promptly on their merits, rather than oscillating between courts on mere procedural technicalities".*]
6. **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of Uttar Pradesh**, 2024 INSC 534 [*The Supreme Court taking note of the nine years period of undertrial custody and the slow-pace of trial granted bail and observed that observed that the judgement in the case of NIA v. Zahoor Ahmad Shah Watali (2019) 5 SCC 1 cannot be cited as a precedent to deny bail in UAPA cases where the accused has suffered long incarceration. Zahoor Ahmad Shah Watali (supra) has to be read and understood in the context in which it was rendered and not as a precedent to deny bail to an accused undertrial suffering long incarceration with no end in sight of the criminal trial".*]
7. **Anarul Sk v. The State of West Bengal**, SLP(Crl) No. 12621/2024 [*The Supreme Court expressed surprise at the grant of anticipatory bail in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985 and asked the State of West Bengal to consider filing applications seeking the cancellation of pre-arrest bail granted to the accused.*]

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8. **Javed Gulam Nabi Shaikh v. The State Of Maharashtra And Anr**, SLP(Crl) No. 2787/2024 [The Supreme Court observed that the trial courts and the High Courts have forgotten a very well settled principle of law that bail is not to be withheld as a punishment.]
9. **Mohd. Muslim v. State (NCT of Delhi)**, 2023 SCC OnLine SC 352 [Undue delay in trial can be a ground to grant bail to an accused, despite the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act 1985.]
10. **Vernon v. State of Maharashtra**, 2023 INSC 655 [The Supreme Court held that a bail restricting clause (Section 43-D, UAPA Act, 2002) cannot denude the jurisdiction of a Constitutional Court in testing if continued detention in a given case would breach the concept of liberty enshrined in Article 21 of the Constitution of India, would apply in a case where such a bail-restricting clause is being invoked on the basis of materials with prima facie low-probative value or quality.]
11. **Vijay Madanlal Choudhary v. Union of India**, 2022 SCC OnLine SC 929 [Supreme Court holds “twin conditions” under Section 45 of PMLA reasonable.]
12. **Ramjhan Gani Palani v. National Investigating Agency**, 2022 SCC OnLine SC 523 [The Supreme Court reiterates that in case of serious offense regular bail may not be granted.]
13. **Narcotics Control Bureau v. Mohit Aggarwal** 2022 SCC OnLine SC 891 [At the stage of examining an application for bail in the context of the Section 37 of the Act, the Court is not required to record a finding that the accused person is not guilty. The Court is also not expected to weigh the evidence for arriving at a finding as to whether the accused has committed an offence under the NDPS Act or not. The entire exercise that the Court is expected to undertake at this stage is for the limited purpose of releasing him on bail.] [The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the NDPS Act.]
14. **Ramchand Karunakaran .v. Directorate of Enforcement & Anr.** Criminal Appeal No.1650 of 2022 [Court granted bail on account of the advanced age of the accused and the fact that he had already spent three years in custody.]
15. **Thwaha Fasal v. Union of India**, 2021 SCC OnLine SC 1000 [The stringent restrictions imposed by sub-section(5) of Section 43D, do not negate the power of Constitutional Court to grant bail keeping in mind violation of Part III of the Constitution... while deciding a bail petition filed by an accused against whom offences under Chapters IV and VI of the 1967 Act have been alleged, the Court has to consider whether there are reasonable grounds for believing that the accusation against the accused is prima facie true. If the Court is satisfied after examining the material on record that there are no reasonable grounds for believing that the accusation against the accused is prima facie true, then the accused is entitled to bail.]
16. **Jahir Hak v. State of Rajasthan**, 2022 SCC OnLine SC 441 [The Supreme Court granted bail to a UAPA under-trial accused who was in custody for nearly 8 years.]
17. **Union of India v. KA Najeed** (2021) 3 SCC 713 [‘Gross Delay’ in trial violates the right to life and personal liberty under Article 21. A fundamental right violation could be used as a ground for granting bail. Even if the case is under stringent criminal legislation including anti-terror laws, prolonged delay in a trial necessitates granting of bail.]
18. **NIA v. Zahoor Ahmad Shah Watali**, (2019) 5 SCC 1 [The Supreme Court observed that the High Court had virtually conducted a mini trial and determined admissibility of certain evidence which was beyond the scope of bail proceedings.]
19. **P. Chidambaram v. Directorate of Enforcement**, (2020) 13 SCC 791[Bail – Economic Offences-

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<i>Factors to be considered.]</i>		
20. Nimesh Tarachand Shah v. Union of India, (2018) 11 SCC 1 [Constitutionality – PMLA -Section 45.] 21. Rohit Tandon v. Directorate of Enforcement, (2018) 11 SCC 46 [PMLA- Section45 –Factors to be considered for grant of bail.] 22. State of Kerala v. Rajesh (2020) 12 SCC 122 [The Court stated that the expression “reasonable grounds” in Section 37 (1) (b) would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. The Court clarified that the entire exercise that a court is expected to undertake at the stage of bail under Section 37 of NDPS Act is to see the availability of reasonable grounds for believing that the accused is not guilty of the offences that he has been charged with and that he is unlikely to commit an offence under the Act while on bail. 23. Ashim v. NIA, (2022) 1 SCC 695 [Undertrials cannot be detained indefinitely pending trial. Principles summarised regarding when Courts are obligated to enlarge them on bail.]		
SESSION- 4 CONTOURS OF ANTICIPATORY BAIL		
1.	Justice Vikramaditya, Anticipatory Bail , in Justice Versus Judiciary Chapter- 5, Aroo Publication Pvt. Ltd. First Edition 2012.	255
2.	S.S. Upadhyay, Anticipatory Bail	261
CASE LAW <i>(Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for conclusive opinion)</i>		
1.	Sushila Aggarwal v. State (NCT of Delhi) , (2020) 5 SCC 1 [The protection granted to a person under Section 438 Cr.PC should not invariably be limited to a fixed period. The Normal conditions under Section 437(3) read with Section 438(2) should be imposed; if there are specific facts or features in regard to any offence, it is open for the court to impose any appropriate condition (including fixed nature of relief, or its being tied to an event) etc.]	
2.	Dhanraj Aswani v. Amar S. Mulchandani And Anr. , 2024 INSC 669 [The Supreme Court ruled that an accused already in custody in connection with one case can apply for anticipatory bail in connection with another case.]	
3.	Srikant Upadhyay v. State of Bihar , 2024 INSC 202 [Filing of anticipatory bail application through advocate can't be considered as appearance of absconding accused.]	
4.	Siddharam Satlingappa Mhetre v. State of Maharashtra , (2011) 1 SCC 694 [the law of bail dovetails two conflicting interests namely, the obligation to shield the society from the hazards of those committing and repeating crimes and on the other hand absolute adherence to the fundamental principle of criminal jurisprudence - presumption of innocence and the sanctity of individual liberty]	
5.	Shri Gurbaksh Singh Sibbia v. State of Punjab , (1980) 2 SCC 565 [In regard to anticipatory bail if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest	

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would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true...The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. "]		
SESSION- 5 DRAFTING BAIL ORDERS		
1.	Justice G. Raghuram, <i>Art of Judgment</i>	308
2.	S. I. Strong , <i>Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges</i> 2015(1) Journal of Dispute Resolution 93-128 (2015)	320
CASE LAW <i>(Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for conclusive opinion)</i>		
1.	Meena Devi v. State of U.P. and Another , 2022 SCC OnLine SC 676 [<i>The Supreme Court while criticizing the practise of granting cryptic bail in a casual manner, observed that “it would be only a non speaking order which is an instance of violation of principles of natural justice. In such a case the prosecution or the informant has a right to assail the order before a higher forum.”]</i>	
2.	Y. v. State of Rajasthan and Another , 2022 SCC OnLine SC 458 [<i>The Supreme Court observed that there is a recent trend of passing orders granting or refusing to grant bail, where the Courts make a general observation that “the facts and the circumstances” have been considered. No specific reasons are indicated which precipitated the passing of the order by the Court.” It was further observed that reasoning is the life blood of the judicial system. An unreasoned order suffers the vice of arbitrariness. Merely recording “having perused the record” and “on the facts and circumstances of the case” does not subserve the purpose of a reasoned judicial order.]</i>	
3.	Deepak Yadav v. State of U.P. and Ors. AIR 2022 SC 2514, [The importance of assigning reasoning for grant or denial of bail can never be undermined. There is prima facie need to indicate reasons particularly in cases of grant or denial of bail where the accused is charged with a serious offence. The sound reasoning in a particular case is a reassurance that discretion has been exercised by the decision maker after considering all the relevant grounds and by disregarding extraneous considerations.]	
4.	Manoj Kumar Khokhar v. State of Rajasthan (2022) 3 SCC 501 [Cryptic and casual bail orders without relevant reasons liable to be set aside; “cessante ratione legis cessat ipsa lex” invoked to hold that “reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself”]	
5.	Brijmani Devi v. Pappu Kumar (2022) 4 SCC 497 [It is not necessary for a Court to give elaborate reasons while granting bail particularly when the case is at the initial stage but an order de hors reasoning or bereft of the relevant reasons cannot result in grant of bail. Criticizing the practise of granting cryptic bail in a casual manner, the Bench remarked, “It would be only a non speaking order which is an instance of violation of principles of natural justice. In such a case the prosecution or the informant has a right to assail the order before a higher forum.”]	
6.	Jaibunisha v. Meharban , (2022) 5 SCC 465 [S, 439 CrPC, 1973 qua grant of bail, requirement	

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of giving reasons for the decision is of the essence and is virtually a part of “due process”. However, while court is not required to give elaborate reasons while granting bail, an order devoid of any reasoning whatsoever cannot result in grant of bail.]

7. **Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana**, (2021) 6 SCC 230 [The judgment not only criticized the practice of lower Courts of attaching caveat for not treating the decision as precedent, but also emphasized on need for reasoned disposal of bail matters. The Bench expressed, “Whether an order granting a bail is a precedent on grounds of parity is a matter for future adjudication if and when an application for bail is moved on the grounds of parity on behalf of another accused...it is for that court before whom parity is claimed to determine whether a case for the grant of bail on reasons of parity is made out.” The grant of bail is a matter which implicates the liberty of the accused, the interest of the State and the victims of crime in the proper administration of criminal justice. It is a well-settled principle that the Court granting bail cannot obviate its duty to apply a judicial mind and to record reasons, brief as they may be, for the purpose of deciding whether or not to grant bail. The Bench added that the recording of reasons in a judicial order ensures that the thought process underlying the order is subject to scrutiny and that it meets objective standards of reason and justice. The impugned orders were held to be tainted with perversity and hence, were set aside.]
8. **Raj Kishore Jha v. State of Bihar**, 2003 (11) SCC 519 [We feel it necessary to indicate that non-reasoned conclusions by appellate Courts are not appropriate, more so, when views of the lower Court are differed from. In case of concurrence, the need to again repeat reasons may not be there. It is not so in case of reversal. Reason is the heartbeat of every conclusion. without the same, it becomes lifeless.]
9. **State of Rajasthan v. Rajendra Prasad Jain**, 2008 (15) SCC 711 [Reason is the heartbeat of every conclusion, and without the same it becomes lifeless.]
10. **Patan Jamal Vali v. The State of Andhra Pradesh**, 2021 SCC OnLine SC 343 [The Court observed that the people who occupy marginalised positions in more than one system of oppression may face oppression as a result of two or more of these systems. So, it would be reductive to view the victim in this case as suffering oppression only on the basis of one of gender, caste or disability, or on the basis of all these identities separately. The Court uses the theory of intersectionality to understand oppression as something that occurs due to the combined effect of each of these systems.]

***Judgments mentioned in the Table of Contents include citations and short notes for reference and discussion during the course of the workshop. Please refer to the full judgment for conclusive opinion.**