

DEPARTMENT / SUBJECT: Court matters

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Anticipatory bail can't have a deadline, says Supreme Court

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IN a significant judgment, the Supreme Court on Wednesday held that grant of anticipatory bail should not be subject to time constraints and clarified that the same can continue till the end of trial.

Clearing the confusion on whether the protection given to a person through anticipatory bail was time-bound, a five-judge bench headed by Justice Arun Mishra said, "The protec-

tion granted to a person under Section 438 Criminal Procedure Code should not invariably be limited to a fixed period, it should inure in favour of the accused without any restriction on time."

It is not essential that an application should be moved only after an FIR is filed; it can be moved earlier, so long as there is reasonable basis for apprehending arrest," the SC stated.

"It is held that the life or duration of an anticipatory bail

order does not end normally at the time and stage when the accused is summoned by the court, or when charges are framed, but can continue till the end of the trial. Again, if there are any special or peculiar features necessitating the court to limit the tenure of anticipatory bail, it is open for it to do so," the bench said.

It added that an order of anticipatory bail shouldn't be

blanket and shouldn't enable the accused to commit further offences and claim relief of indefinite protection from arrest. "It should be confined to the offence or incident, for which apprehension of arrest is sought, in relation to a specific incident. It cannot operate in respect of a future incident that involves commission of an offence," it added.

"An order of anticipatory

bail doesn't in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the person who seeks and is granted pre-arrest bail," the bench ruled.

It said the courts needed to consider the gravity of the offence, role of the accused, likelihood of his influencing the probe or tampering with evidence, intimidating witnesses and fleeing justice while deciding anticipatory bail pleas.