



Bail is rule and jail is exception

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The statement "bail is rule and jail is exception" reflects the principle that, in general, courts should be inclined to grant bail to an accused person rather than sending them to jail. This principle underscores the presumption of innocence until proven guilty and the idea that an accused individual should not be subjected to pretrial detention unnecessarily.

This phrase has been reiterated by the Supreme Court of India in various judgments, emphasizing the importance of upholding the right to personal liberty enshrined in Article 21 of the Indian Constitution. It signifies that courts should consider granting bail to an accused unless there are strong reasons to believe that they might flee, tamper with evidence, influence witnesses, or commit further offenses while out on bail.

Here is some landmark judgments from the Supreme Court of India that emphasize the principle of "bail is rule and jail is exception." --

1. Sanjay Chandra vs. Central Bureau of Investigation (2003):

The Supreme Court in this case stated that the principle of "bail is rule and jail is exception" should be followed while considering bail applications. It emphasized that deprivation of personal liberty must be justified on the basis of specific reasons.

2. Arnesh Kumar vs. State of Bihar (2014):

In this judgment, the Supreme Court observed that arrests in cases involving non-serious offenses should not be made in a routine manner. It directed the police to follow guidelines before making arrests, considering whether an accused person's detention is necessary for the investigation.

3. Dataram Singh vs. State of Uttar Pradesh (2018):

The Supreme Court reiterated the principle that the fundamental right to personal liberty under Article 21 of the Constitution requires that the courts lean in favor of granting bail rather than denying it.

4. Siddharam Satlingappa Mhetre vs. State of Maharashtra (2011):

This case emphasized that while considering bail applications, courts should weigh various factors, including the seriousness of the offense, the role of the accused, the likelihood of the accused absconding, and the possibility of the accused tampering with evidence or influencing witnesses.

5. Amrawati vs. State of U.P. (2004):

The Supreme Court held that the mere possibility of the accused tampering with the evidence or influencing witnesses is not enough to deny bail. The court should be satisfied that there is a real apprehension of such an event occurring.

(Please note that the legal landscape can change, and new judgments may have been delivered. To get the most accurate and up-to-date information, I recommend consulting official legal databases or seeking guidance from legal professionals).

6. Satendra kumar antil vs CBI and Anr 2022

Hon'ble supreme court held that A bail is nothing but a surety inclusive of a personal bond from the accused. It means the release of an accused person either by the orders of the Court or by the police or by the Investigating Agency. It is a set of pre-trial restrictions imposed on a suspect while enabling any interference in the judicial process. Thus, it is a conditional release on the solemn undertaking by the suspect that he would cooperate both with the investigation and the trial - Bail is the rule and jail is the exception.

The concept of "bail is rule and jail is exception" aims to strike a balance between the interests of justice and the rights of the accused. It recognizes that pretrial detention can have significant implications for the individual's life, and therefore, courts should exercise caution and ensure that bail conditions are appropriate and reasonable.

It's worth noting that while this principle guides the court's approach to granting bail, each case is unique and decided based on its specific circumstances. The court considers factors such as the seriousness of the offense, the evidence against the accused, the likelihood of the accused tampering with evidence or witnesses, and the potential impact of granting bail on the society at large.