PREFACE

Bail is very vital institution in criminal justice system. It relating to two objectives of enabling an accused to continue with his life activities and, at the same time, providing a mechanism to seek to ensure his presence on trial. It is not always just or advisable to confine the accused before conviction. The administration of bail however is not an easy task. It needs a well-founded system developed after taking a due note of the realities from which the idea of bail has been conceived. Bail is matter of judicial discretion. While considering whether to grant or not to grant bail, conflicting claims of individual liberty of the accused and the larger societal interest have to be taken note of. Article 21 of the Constitution of India recognizes the right of a speedy trial to every citizen. The object of the new Code of Criminal Procedure is the expeditious trial. The delay in the conclusion if the trial violates the constitutional guarantee of a fair, just and reasonable procedure and in fact a fundamental right of speedy trial.

Police and the Magistrate have been given power to grant bail under Criminal procedure code However, in bailable offences, bail can be claimed as a matter of right. Police or Magistrate has no discretion in this regard. However, police uses discretion in granting bail as the people are not aware of statutory provisions. There is urgent need to impart awareness in this regard so that police may not misuse its powers for extraneous considerations.

On undertaking a comprehensive study of bail, policy and mechanism the present subject matter involved in this thesis has been divided into seven chapters. The very first chapter starts with the INTRODUCTION which throws light on the meaning of Bail, its definition, different types of Bail and classification of Bail. The Second Chapter is CONCEPT OF BAIL: A HISTORICAL PERSPECTIVE wherein the historical aspect of bail has been discussed evolution of bail in England and America. Bail from Moghul rule in India till today. The Third chapter is CLASSIFICATION OF OFFENCES
AND BAIL MECHANISM. The bail provision relating to bailable and non-bailable offences have been discussed in this chapter. The Forth chapter is CONSTITUTIONAL PROVISIONS AND CONCEPT OF BAIL. In this chapter the constitutional protection of personal liberty, speedy trial and provisions of habeas corpus have been discussed. The fifth chapter is JUDICIAL APPROACH REGARDING BAIL IN INDIA. This chapter deals with judicial approach regarding various considerations which to be taken by the courts while deciding a bail application. The sixth chapter is LAW RELATING TO BAIL IN INDIA: A CRITICAL ANALYSIS. In this chapter the critical analysis of bail practice and procedure has been discussed. The last chapter of this research work is CONCLUSION AND SUGGESTIONS. In this chapter I have tried to draw the inferences based on the foregoing chapters of research work. I have drawn a number of suggestive for the protection of environment. I have faith that this research work will give benefit for students, researchers, scholars and other stakeholders, who are going to study on this topic. It will widen scope rebuild a new cogent bail system.