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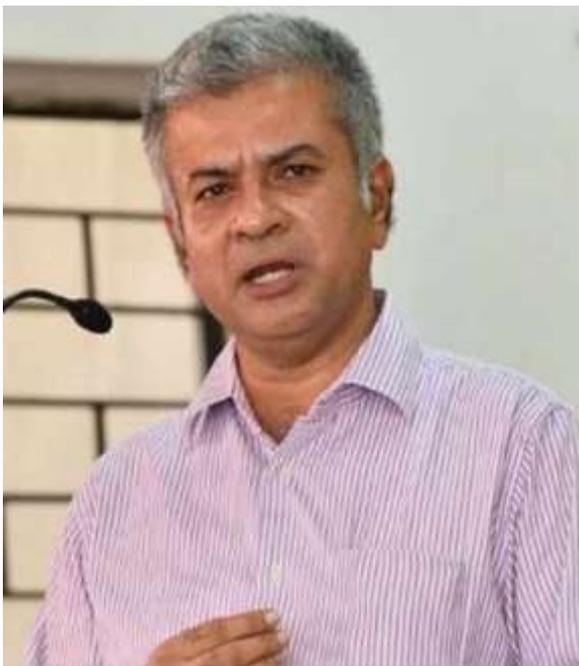
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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **JUDICIAL INTERPRETATION AND TRENDS IN GRANTING BAIL IN RAJASTHAN COURTS**

AUTHORED BY - SACHI JAIN

## **ABSTRACT:**

Bail is an essential component of the legal system that supports individual rights, guarantees fair trial standards, and preserves public safety, among other important functions. It is the duty of the judiciary to act fairly while granting bail as they also have a duty to balance the individual rights of the accused persons. This can be recognised by the famous words of Justice D Y Chandrachud - "In the context of bail, it is imperative to remember that liberty is the foundation of our justice system. When the accused is granted bail, it is a recognition of their rights as individuals." Despite this, the Indian courts have displayed various shortcomings while granting bail. This research paper aims to recognise and highlight the ways in which both the trial courts and the High court has erred in the state of Rajasthan. The paper also suggests ways in which these shortcomings can be overcome and places importance on the use of a balanced form of applying judicial discretion when it comes to bail requests. The principle of "innocent until proven guilty" is a cornerstone of criminal justice and granting bail upholds this principle. Therefore, the courts must act in a judicious manner and not delay when it comes to granting bail as – justice delayed is justice denied.

**Keywords:** Bail jurisprudence, Rajasthan, trial courts, High court, justice.

## **INTRODUCTION:**

In Black's Law Dictionary, bail has been defined as "a security such as cash or bond especially security required by a court for the release of a prisoner who must appear at a future date."<sup>1</sup>

Webster's Law Dictionary defined "Bail, a temporary release of a person in exchange for security given for the prisoner's appearance at a later hearing."<sup>2</sup>

In Indian law, bail is defined as – "bail" means release of a person accused of or suspected of commission of an offence from the custody of law upon certain conditions imposed by an

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<sup>1</sup> Black's Law Dictionary, 4th Edn., p. 177.

<sup>2</sup> Webster's Law Dictionary of Law, India Edn. 2005, p. 41.

officer or Court on execution by such person of a bond or a bail bond<sup>3</sup>; this has been defined under Section 2(b) of the Bharatiya Nagarika Suraksha Sanhita (BNSS). In simple words, bail is a legal procedure that permits the temporary release of an accused person from custody, usually with the requirement that they show up for their scheduled court hearings.

Granting bail serves as an important tool in balancing the rights of the accused persons and also the duty to ensure public safety and efficient working of the criminal justice system. Therefore, with respect to the fundamental rights enshrined in our constitution, bail can be related to the *Article 21*<sup>4</sup> of the Constitution that embodies the Right to Life and Personal Liberty. This article has been interpreted to encompass the right to a fair trial, safeguard from unlawful detention, as well as access to legal remedies. When it comes to protecting the freedom of an accused person who is believed to be innocent unless and until proven guilty by the Indian law, bail is crucial.

The Indian Supreme Court has emphasized that bail should be the rule rather than the exception and that unnecessary detention before a trial is against Article 21. It is the responsibility of the court to guarantee the accused person's freedom since an extended pre-trial imprisonment might seriously harm the person's personal and professional life. As a person is presumed to be innocent until found guilty by the Indian legal system, it is even more important to safeguard the accused persons from such unlawful detention by granting bail.

The Supreme Court expanded the application of Article 21 by ruling in *Maneka Gandhi v. Union of India*<sup>5</sup>, AIR 1978 SC 597, that personal liberty may not be curtailed without a rational justification. This extends to the bail scenario in India and has been foundational in shaping the court's decision when it comes to granting bail and detention is used only when it is absolutely necessary to do so.

When it comes to protecting the fundamental rights of the accused persons, Article 21 is not the only one to keep in mind. The fundamental rights to freedom of speech, expression, assembly, and movement are outlined in Article 19<sup>6</sup> of the Constitution. Certain liberties can

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<sup>3</sup> Bharatiya Nagarika Suraksha Sanhita, 2023, §2(b).

<sup>4</sup> India Const. art. 21.

<sup>5</sup> *Maneka Gandhi v. Union of India*() AIR 1978 SC 597.

<sup>6</sup> India Const. art. 19.

be severely restricted if someone is arrested without sufficient cause or detained for a prolonged period of time before they are found to be guilty. The courts safeguard these liberties by providing bail, which permits the accused to carry out their personal and professional activities while they wait for trial.

To strike a balance between the accused's freedom and the public's safety, the court may, nonetheless, impose certain restrictions on the movement of these accused persons. For example, in cases involving serious offenses where the accused is known to be capable of harming public peace and safety, the accused may have their movement restricted or be required to regularly report to the police station.

Protection from arbitrary arrest and detention is granted by Article 22 of the Constitution. It guarantees that no one will be detained without being informed the reason they were arrested and that they are entitled to legal representation. An individual who has been arrested is additionally required to appear before a magistrate within twenty-four hours, according to the constitution.

Article 22<sup>7</sup> guarantees the preservation of the right to bail by mandating an immediate judicial evaluation of the imprisonment. In these situations, the courts have to determine whether the accused should be held in custody or released on bail, particularly in the case for bailable offenses.

*“The issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process”*<sup>8</sup>

–Justice V.R. Krishna Iyer in Gudikanti Narasimhulu case (1977)

The quoted comment highlights the significance of bail as an essential component of justice that strikes a balance between people's right to privacy, public safety, and societal interests. It emphasizes the need for socially conscious bail jurisprudence, which calls for consideration of the social, economic, and individual effects on the society and the mainly the accused.

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<sup>7</sup> India Const. art. 22.

<sup>8</sup> Gudikanti Narasimhulu And Ors vs Public Prosecutor, High Court Of Andhra Pradesh, 1978 AIR 429.

Fairness is ensured by an elaborate bail structure. Its goal is to eliminate arbitrary or unlawful detention so people can adequately defend themselves. It must also take into account the gravity of the offense, the possibility that the accused would escape, and any possible harm they could cause to the community. The rights of the accused and the requirement to uphold justice for the victims and society as a whole must be balanced by the courts.

### **STATE OF BAIL JURISPRUDENCE IN THE RAJASTHAN COURTS:**

A fundamental component of any legal framework is judicial discretion, which gives judges the freedom to make decisions that are impartial and flexible. This can be seen more clearly during bail proceedings, when judges have a duty to balance the needs of justice against the rights of the person that is being accused. Bail decisions are fundamentally discretionary, as judges must take into account multiple considerations such as the seriousness of the offense, the probability of the accused person fleeing, and the chance for tampering with evidence. But as time has gone on, worries regarding the arbitrariness of bail rulings have grown. Courts have been under criticism for either granting bail too freely in certain instances or unfairly refusing it in others.

At the heart of bail jurisprudence is judicial discretion, an instrument that allows judges to adjust their decisions according to the specific facts of each case. Discretion is meant to promote equity since it allows courts to take into account the details that strict legislation can miss. To avoid abuse, discretionary power must be used within the bounds of accepted legal principles. Judicial discretion in bail proceedings is primarily guided by the rights guaranteed by the Constitution.

There have been notable differences between the rulings of the trial courts and the High Courts over the question of judicial discretion in granting bail, particularly emphasizing on Rajasthan courts.

Trial courts frequently deny bail requests without conducting an individualized analysis of the case's facts, citing general grounds such as the "seriousness of the offense." Numerous legal analysts and rulings have emphasized that these rejections are frequently mechanical and devoid of a thorough judicial rationale. Trial courts often refuse bail based only on the seriousness of the offense, for instance, even in situations where there is little evidence against

the accused or when the allegations may not even result in a conviction if the prosecution's case is accepted in its whole. This is especially troubling when the police charge sheets or other investigative documents are lacking or blatantly insufficient to support the accusations. Excessive discretion is a risk on both fronts which can lead to judicial overreach or underreach. While High Courts occasionally grant bail without sufficient reason, trial courts frequently err on the side of caution, which results in people being wrongfully detained. This has happened in situations where the trial court's decision not to grant bail was reversed by the High Court, demonstrating an inappropriate use of judicial discretion.

Unreasonable bail judgments are a problem that have frequently come up in Rajasthan; this is indicative of a larger tendency in the Indian legal system where bail is either given or denied without an adequate rationale. Trial courts deny the accused a reasoned choice when they automatically deny bail requests, citing only the seriousness of the offense. This creates confusion on the criteria used or the reasons due to which bail was refused. High courts, on the other hand, frequently reverse these rulings, but they also occasionally grant bail without providing a thorough justification.

This is especially problematic when it comes to serving justice. It delays the process quite a lot as the accused person then applies for bail in the higher courts and if it is still denied in the high court, then they apply for bail in the Supreme Court. This essentially wastes the time of the courts and this time could be saved easily if the trial courts were to look into the matter seriously and then deny or accept bail through a case-by-case analysis. A few weeks ago, CJI of India, Justice D Y Chandrachud, stated that trial court judges prefer to play safe by not granting bail on important issues of crime, and also emphasised on the need for 'a sense of robust common sense' to look at the nitty-gritty of each case.<sup>9</sup>

These actions can also have a serious negative effect on the legal system, especially if the accused exploits the liberty that they were given on bail. The defendant's right to know why they are being denied bail is jeopardized when a court orders bail without sufficiently explaining its reasoning. It also makes it more difficult for the prosecution to successfully appeal the ruling. In Rajasthan especially as can be seen in various instances, accused

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<sup>9</sup> Judges should use a sense of robust common sense in bail petitions, says CJI, The Economic Times, Jul 28, 2024.

individuals who abuse the rights bestowed upon them by bail frequently intimidate victims. When these orders are incomprehensible, there's a greater chance that the people who were accused of crimes may repeat their crimes or fabricate the evidence, which will make things worse for the victims.

Over the years, various cases can be noted down where the Rajasthan courts have made errors while granting bail. This raises serious concerns about the effectiveness of the courts and whether or not they are using judicial discretion in an excessive manner.

An important case that showcases excessive discretion by the Rajasthan High Court is *Sadhna Chaudhary v. State of Rajasthan*.<sup>10</sup> This case involved serious allegations under Sections 323, 341, 354, 379, and 376 of the Indian Penal Code (IPC), and the Supreme Court of India overturned the Rajasthan High Court's ruling that granted anticipatory bail to the defendant, a police officer. The appellant accused the respondent of using his official position as a means of intimidation and of sexually abusing her for more than two years.

The High Court erred in granting bail, according to the Supreme Court, since it accepted the respondent's story without appropriately weighing the gravity of the accusations. The respondent had not cooperated completely with the investigation, the court noted, and important material, including pornographic films and images, had not yet been obtained.

In certain other cases, the courts were found to be granting bail under such conditions that the accused was not financially in the position to fulfil them which essentially meant denying bail altogether. This can be seen in the case of *Guddan Roop Narayan v. State of Rajasthan*<sup>11</sup>. In the present case, the petitioner had been granted bail by the High Court, but he was kept in custody because he was unable to adhere to the severe financial requirements placed on him. The Rajasthan High Court imposed highly onerous conditions for bail, requiring the accused to deposit ₹1,00,000 along with two bail bonds of ₹50,000 each. In its ruling, the Supreme Court determined that these requirements were burdensome and unhelpful to the goal of bail, which is intended to be the norm rather than the exception. Referencing other cases such as

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<sup>10</sup> *Sadhna Chaudhary v. State of Rajasthan* (2022).

<sup>11</sup> *Guddan Roop Narayan v. State of Rajasthan* (2023).

*Sanjay Chandra v. CBI*<sup>12</sup> and *Sandeep Jain v. NCT of Delhi*<sup>13</sup>, the Court underscored that the terms of bail need not to be so severe as to effectively prevent bail. The unreasonable terms were thus reduced by the Supreme Court, enabling the bail to move forward without the burdensome financial obligations.

One of the most important cases that ought to be looked at is *Manoj Khokhar v. State of Rajasthan*<sup>14</sup>. In this case, the appellant challenged the High Court's decision to release Ram Narayan Jat- the accused, on bail. The accused was charged with killing the appellant's father, Ram Swaroop Khokhar. The event, which allegedly happened on December 8, 2019, involved a violent altercation that had its roots in past animosity and was made worse by the deceased's aspirations to become a politician in an environment where the accused's family had a considerable amount of influence. The High Court's bail decision was criticized for missing thorough justification and taking the seriousness of the case into account, even in the face of evidence suggesting a premeditated attack.

The Supreme Court stressed in its reasoning that the High Court's ruling had to take the allegations' nature and their effects on justice into consideration. Given the accused's powerful position in the community, the lack of substantive justification in the bail ruling sparked worries about the possibility of witness tampering and the accused's capacity to avoid justice. The Supreme Court emphasized the importance of these considerations when evaluating bail requests for serious offenses because the consequences of bail could hinder the legal system.

### **LITERATURE REVIEW:**

The following cases highlight major shortcomings in the judicial approach to granting bail. They show that courts need to change their outlook and procedure to guarantee that decisions on bail are supported by precise, well-reasoned arguments rather than being made arbitrarily. The seriousness of the crime, the accused's prior criminal record, and any dangers to the public and victims must all be carefully taken into account by the courts. Inadequate justification for bail orders compromises the safety and impartiality of the legal system in addition to undermining public confidence. Courts should take a more cautious and comprehensive

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<sup>12</sup> *Sanjay Chandra v. CBI*, 2011 AIR SCW 6838 (2011).

<sup>13</sup> *Sandeep Jain v. NCT of Delhi*, AIR2000SC714 (2000).

<sup>14</sup> *Manoj Khokhar v. State of Rajasthan*, 2022 SCC OnLine. SC 30 (2022).

approach to avoid such mistakes, making sure that all pertinent aspects are carefully considered before granting bail, especially in cases involving serious offenses.

**Manoj Kumar Khokhar vs The State Of Rajasthan<sup>15</sup>**

The Supreme Court set aside the High Court of Judicature at Rajasthan's order granting bail to the accused. The rationale behind this was that the High Court's order was illogical and neglected to take into account a number of important circumstances.

Even while granting bail, the Supreme Court stressed the need for a court to provide justification for its decision. The reasons guarantee that the discretion exercised is not arbitrary and that it is transparent and accountable.

Furthermore, it was argued that in granting bail to the respondent accused, the High Court had not used its power wisely. That the High Court did not pay due attention to the seriousness of the alleged offense, which was murder under Section 302 of IPC, and the heinous way in which it was committed against an individual who was physically unable to defend himself.

It was claimed that the respondent-accused had considerable political influence in the area, which caused the filing of the FIR to be delayed. Another concern was that, if the accused was freed on bail, he may intimidate or sway witnesses.

The nature of the offense led to the accused's bail requests being denied on multiple occasions in the past. The High Court's disregard for these earlier denials and their justifications was pointed out by the Supreme Court.

The Supreme Court concluded that the High Court's decision was vague, imprecise, and devoid of sufficient justification. It did not sufficiently consider the relevant aspects of the case or address the grave accusations made against the accused.

There are notable differences between the trial court's and the High Courts' judgments regarding bail. It has been noted that the High Court typically grants bail when the trial court rejects the bail request. This case is important in understanding this as there were multiple

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<sup>15</sup> Manoj Kumar Khokhar v. State of Rajasthan, [2022 SCC OnLine. SC 30].

rejections of the bail application which was later on accepted by the high court without proper rationale.

**Kumer Singh Vs. State of Rajasthan & Anr.**<sup>16</sup>

The case concerns a brutal murder that occurred on August 16, 2017, during a village fair in Choti Roru, Rajasthan. The victim, Sumer Singh, a Border Security Force (BSF) member on leave, was ambushed and killed in a premeditated attack. Sumer Singh's brother filed a formal complaint against the accused, alleging various serious charges, including murder (under Section 302 of the IPC).

Not long after the incident, the accused individuals were taken into custody. After more than a year in detention, the Rajasthan High Court eventually granted their bail, despite having initially denied it.

Dissatisfied with the High Court's bail judgment, the complainant filed an appeal with the Supreme Court, claiming that the High Court overlooked the gravity and cruelty of the act. The High Court's decision was criticized for their error in releasing the accused on bail before fully weighing the seriousness of the offense. The assault was deliberate and violent, and the High Court's decision lacked justification.

**Ms. Y v. State of Rajasthan**<sup>17</sup>

An FIR was filed on May 30, 2021 by the appellant, alleging that her uncle (Respondent 2) raped her on May 16-17, 2021. In addition, she charged him with previous instances of inappropriate touching and attempted rape that occurred in 2014. She was afraid at first, so she kept quiet, but eventually told her family. Respondent 2 has an infamous criminal past with almost twenty cases—some of which resulted in convictions—including murder and kidnapping. On September 20, 2021, the Rajasthan High Court granted Respondent 2 regular bail in a way that the appellant claims was "mechanical" and devoid of adequate justification. The appellant contends that the High Court disregarded the gravity of the crime, the criminal record of the accused, and the threat the accused poses to the victim and society. The appellant's stance is supported by the State, which claims that the High Court's decision

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<sup>16</sup> Manoj Kumar Khokhar v. State of Rajasthan, [2022 SCC OnLine. SC 30].

<sup>17</sup> Ms. Y v. State of Rajasthan, [2022 SCC. OnLine SC 458].

was cryptic and did not sufficiently consider the evidence against the accused.

### **Books:**

#### **1. Taking Bail Seriously: The State of Bail Jurisprudence in India - Salman Khurshid<sup>18</sup>**

The intricate and frequently problematic nature of Indian bail jurisprudence is thoroughly examined in the book "Taking Bail Seriously: The State of Bail Jurisprudence in India". The central thesis of the work is that the current system of bail in the Indian criminal justice system is in need of significant reform. In order to strike a balance between the accused's freedom and the larger society objectives of justice and security, this piece highlights the significance of bail.

The author emphasizes that established legal standards, not arbitrary or subjective preferences, must drive the use of judicial discretion when granting bail. It makes the case that judges' discretionary powers in bail cases need to be used carefully in light of the objectives and directives of the constitution.

The author highlights the views of Benjamin Cardozo and agrees upon the idea that a judge's discretion is limited and must be used in accordance with accepted legal precedents and principles. The judge's job is to interpret and implement the law; it is not their place to impose their values or opinions. This restraint makes sure that judges' rulings are not swayed by personal preferences or arbitrary ideas of justice, but rather are impartial, consistent, and based on the rule of law.

"Taking Bail Seriously" is a critical book that explores the flaws in India's current bail system. The idea that "bail is the rule and jail is the exception," which is a fundamental aspect of Indian criminal law, is criticized in this work. The book comprises of essays from a variety of academicians, practitioners, and scholars who examine many facets of bail jurisprudence, from anticipatory and default bail to bail given by police and magistrates. The asymmetry in the decision-making process regarding bail petitions, which fuels problems like jail overcrowding and court system delays, is a major topic of discussion throughout the book. The author also emphasizes the need for a more standardized procedure by pointing out the inconsistent bail rulings made by judges at various levels of the court.

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<sup>18</sup> TAKING BAIL SERIOUSLY: THE STATE OF BAIL JURISPRUDENCE IN INDIA, SALMAN KHURSHID (Bharat Law House 2020).

The book criticizes the current bail system as "inadequate" and "inefficient," using the Law Commission of India's 268th Report as support for its urgent reform recommendations. It emphasizes how crucial individual liberty is to the constitutional order and how the discretionary power must be used with appropriate consideration for both public safety and individual rights.

The author also discusses the socioeconomic aspects of bail, pointing out that low income can frequently make it difficult to obtain bail, which worsens the condition of the jail due to overcrowding. The book promotes a more equal and humane bail system that considers the accused's socioeconomic circumstances.

By analyzing bail practices in different nations, including Canada, *Taking Bail Seriously* also examines comparative viewpoints and makes the argument that India would profit from implementing some global best practices. The book promotes changes to the bail system that would improve its efficiency and fairness, such as the use of electronic monitoring and a decrease in needless arrests.

## **2. BAIL AND JUDICIAL DISCRETION: AN ANALYSIS ON JUDICIAL RULES – Rahul Yadav<sup>19</sup>**

While bail is a fundamental right under Article 21 of the Indian Constitution, the author's analysis offers a thorough examination of how judicial discretion is used in bail decisions, highlighting the fact that a judge's understanding of various legal, social, and political factors plays a significant role in whether bail is granted or denied.

The author's historical context traces the history of the Indian bail system back to the British colonial era, emphasizing the evolution of the legal framework—which includes the Criminal Procedure Code (CrPC) of 1973—to strike a balance between social order and individual liberty. The analysis highlights the pervasive influence of British legal traditions, pointing out that even though the bail system has undergone reforms to bring it into compliance with constitutional principles, it still bears the structural and operational remnants of the colonial past.

The article also explores the different types of bail that are available in India, including default, regular, interim, and anticipatory bail, as well as the requirements that must be met for each type of bail to be granted. The distinction betweenailable and non-

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<sup>19</sup> Rahul Yadav, *Bail and Judicial Discretion: An Analysis on Judicial Rules*, JETIR Volume 11, Issue 5, May 2024.

bailable offenses is examined with a focus on the judiciary's role in determining bail in non-bailable cases, especially when the offense carries serious penalties like death or life imprisonment.

According to the article, judges have to take into account a number of variables, including the seriousness of the offense, the criminal history of the accused, and the possibility that the accused may evade justice or tamper with evidence. Although this discretion is essential for maintaining the fairness and efficiency of the bail system, it also exposes judges to possible prejudices and inconsistent judgments. The article emphasizes that in order to preserve the public's trust in the legal system, judicial discretion must be used properly and impartially.

### **A WAY FORWARD:**

The differences in bail decisions made by the Rajasthan High Court and trial courts highlight the urgent need for judicial reform, especially with regard to the use of judicial discretion. Trial courts frequently dismiss cases mechanically, sometimes on the basis of generalized reasoning. This approach leads to arbitrary rulings that may violate an accused person's fundamental rights. A multifaceted strategy including judicial training, amendments to legislation, and the creation of monitoring systems is required to address these problems.

Amendments to legislation that provide trial courts with specific guidelines are one of the most effective methods to standardize bail decisions. Judges could be required to take certain factors into account when determining whether to grant or refuse bail under the modified laws. The gravity of the crime, the type of evidence, the likelihood of the accused escaping, and any prior criminal history should all be taken into consideration. For instance, the 268th Report<sup>20</sup> of the Law Commission of India stressed the necessity of such statutory clarity to avoid arbitrary decisions. Instead of depending on frequently ambiguous guidelines, trial judges would have a systematic method to evaluate bail requests if a framework were to be provided.

To guarantee that trial court judges are familiar with bail jurisprudence and individual constitutional rights, judicial training programs must be implemented. Modules on the basic concepts found in landmark judgments like *Maneka Gandhi v. Union of India*—which stressed

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<sup>20</sup> LAW COMMISSION OF INDIA, REPORT NO. 268: AMENDMENTS TO CRIMINAL PROCEDURE CODE, 1973-PROVISIONS RELATING TO BAIL (2017).

that any restriction on an individual's freedom must be reasonable, just, and fair—should be included in this training. Furthermore, continuing education seminars emphasizing the value of customized evaluations might improve judges' comprehension of the consequences of their bail rulings. In this context, the National Judicial Academy and state judicial academies can be extremely important. Regular training sessions and refresher courses on modern bail jurisprudence can help to develop a more knowledgeable court that is able to render well-reasoned verdicts.

Establishing a monitoring system to examine the bail rulings rendered by trial courts can aid in guaranteeing uniformity and accountability. For example, the Rajasthan High Court may implement a system wherein bail decisions made by trial courts are reviewed on a regular basis by a designated panel. The panel, which evaluates whether trial courts complying with established procedures and rendering rational decisions, may include qualified judges and legal professionals. This monitoring procedure might be made easier by incorporating technology, like an online dashboard wherein bail decisions and the reasons behind them are documented. It is essential to raise awareness of the rights of the accused and the significance of fair bail procedures. The public can be greatly benefited by legal aid clinics to learn about their rights with regard to bail and the court system. Pressuring the judiciary to preserve the values of justice and individual liberty can be increased by interacting with community stakeholders in support of judicial reforms.

Reports like those published by the Human Rights Law Network can shed light on the difficulties people encounter in obtaining bail as well as the arbitrary behavior of some bail decisions. Such representation has the potential to generate a wave of support from the general public for changes that guarantee justice system fairness.

### **CONCLUSION:**

To sum everything up, bail is an essential component of the criminal justice system that maintains the presumption of innocence while striking a balance between the rights of the individual and the safety of the community. The research reveals serious flaws in Rajasthan courts' bail jurisprudence, especially with relation to the use of judicial discretion. Trial courts frequently take a mechanical approach, which results in arbitrary rulings that violate the accused's rights.

It is essential to implement reforms in the bail process that will promote justice and fairness. Through the maintenance of sound judgments that demonstrate a thorough comprehension of the law and the unique circumstances of each case, the judiciary may both safeguard the fundamental rights guaranteed in the Constitution and increase public confidence in the legal system. As Justice D Y Chandrachud correctly remarked, the liberty of individuals is vital to our justice system; maintaining this liberty through reasonable bail arrangements is crucial for sustaining the rule of law and guaranteeing justice for all.

