

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B./BBA.LLB/LL.B.

Semester - II

SUBJECT: ALWS II

SUBJECT CODE: BAL-208/BBL-208/LLB-206

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Lecture-25



Bail Format with samples applications

When an individual is arrested he has a lawful right to get the bail. Bail is the lawful release of an individual from the custody of the police who is charged with some certain offences.

What is a Bail application

Bail application is filed before the court under Form 45 in the 2nd schedule for the release of an individual in custody. The bail is filed by the lawyer on behalf of the accused. The accused has to furnish bond and sureties before the court then he is released on the bail.

Structure of the Bail application

Below are the following necessary contents of the bail application:

1. The name of the magistrate court under whom the bail application is filed.
2. The section of CrPC must be mentioned under which the application is moved.
3. The name of the parties must be mentioned.
4. The FIR number should be mentioned.
5. The name of the police station in which the accused is in custody should be mentioned.
6. The date on which the accused was taken into custody.
7. The ground on which the accused should be granted bail should be mentioned.
8. The surety of accused not absconding if bail is granted should be mentioned.
9. The accused will present before the court whenever required to be present.
10. The accused will not leave the country without the permission of the court should be mentioned.
11. The counsel in prayer should ask the court for granting the bail on the abovementioned ground.
12. The applicant should sign the bail application.

Bail laws in India are described under Section 437, 438, 439 of Code of Criminal Procedure, 1973.

Section 437 of Code of Criminal Procedure, 1973 contemplates that any person arrested or detained in a non-bailable offense, the Court other than Sessions Court may grant him bail.

438 of Code of Criminal Procedure, 1973 contemplates that the Session Court or the High Court may grant anticipatory bail to a person apprehending arrest.

Section 439 of the Code of Criminal Procedure, 1973 contemplates that the Sessions Court or the High Court can grant bail to a person who has been arrested.

Bail laws in India are very complicated as the bail to any accused person is at the discretion of the court which considers the facts of the case, the conduct of the accused, the background of the accused, the law, and several other related factors. Since the facts of each case are different, it is not very easy to predict the outcome of any bail application. The role of an expert bail lawyer

who is well versed in all technicalities is very important.

The role of a lawyer for Bail Format India in getting bail from the court becomes very important as the accused can be confined to judicial custody if the case is not properly presented and contested before the court by a competent lawyer.

BAIL FORMAT INDIA UNDER SECTION OF CODE OF CRIMINAL PROCEDURE

BEFORE THE COURT OF METROPOLITAN MAGISTRATE, AT (give the name of the police station or the Illaka Magistrate where the bail application is being filed)

IN THE MATTER OF STATE

VS

(Mention the name of the applicant)

FIR Number: (Mention the FIR number)

Under Section: (Mention the sections under which the FIR has been filed)

Police Station: (Mention the name of the Police Station)

Accused under custody since: (Give the date on which accused has been arrested)

APPLICATION UNDER SECTION 437 CRPC FOR GRANT OF BAIL ON BEHALF OF THE
ACCUSED

(name of the applicant of the bail along with his father's name, address and other details)

MOST RESPECTFULLY SUBMITTED AS UNDER:

1. That the present FIR has been registered on false and bogus facts. The facts stated in the FIR are fabricated, concocted, and without any basis.
2. That the police have falsely implicated the applicant and arrested him in the present case, the applicant is a respectable citizen of the society and is not involved in any criminal case.
3. That the facts stated in the complainant against the applicant are civil disputes and do not constitute any criminal offense at all.
4. That the applicant is not required in any kind of investigation nor any kind of custodial interrogation is required, nor any recovery is to be made at the instance of the applicant.
5. That the applicant is having very good antecedents, he belongs to a good family and there is no criminal case pending against them.
6. That the applicant is a permanent resident and there are no chances of his absconding from the course of justice.
7. That the applicant undertakes to present himself before the police/court as and when directed.
8. That the applicant undertakes that he will not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
9. That the applicant further undertakes not to tamper with the evidence or the witnesses in any manner.
10. That the applicant shall not leave India without the previous permission of the Court.
11. That the applicant is ready and willing to accept any other conditions as may be imposed by the Court or the police in connection with the case.

PRAYER

It is therefore prayed that the court may order for the release of the applicant on bail in the interest of justice.

Any other order which the court may deem fit and proper in the facts and circumstances of the case may be also passed in favor of the applicant.

APPLICANT

THROUGH

COUNSEL