

# 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

NAME OF FACULTY: Dr. Arun Verma

# Lecture-27



BAIL FORMAT INDIA UNDER SECTION 439 OF THE  
CODE OF CRIMINAL PROCEDURE FOR BAIL BEFORE  
THE SESSIONS COURT  
BEFORE THE DISTRICT AND SESSIONS JUDGE COURT AT (give the name of the District  
Court where the bail application format India is being filed)

IN THE MATTER OF  
STATE  
VS

(Mention the name of the accused)

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 from when the accused is in custody)

APPLICATION U/S 439 CRPC FOR GRANT OF BAIL ON BEHALF OF THE ACCUSED  
(name of the applicant of the bail)

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 in the present case and arrested him although 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.
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.
12. That the Court below has failed to consider all the facts and circumstances of the case and has wrongly dismissed the bail application.

It is therefore prayed that the court may direct 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

IMPORTANT TIPS FOR FILING OF BAIL FORMAT

INDIA UNDER SECTION 439 OF THE CODE OF

CRIMINAL PROCEDURE:

The bail format India under Section 439 of the Code of Criminal Procedure can be signed by any close relative or Parokar of the accused.

An affidavit in support of the bail format India is also to be filed along with the main application.

A readable copy of the FIR is also to be filed along with the bail format India.

All relevant documents are also to be filed along with the bail format India on the basis of which the applicant is seeking bail from the court.

The bail format India is also to be signed by the Counsel who is filing the bail format India either through his memo of appearance or power of attorney.

The details of the FIR, name of the accused, father's name of the accused should be properly mentioned in the bail format India so that the said contents are properly mentioned in the release order and the Jail authorities are able to identify the accused properly.

BAIL FORMAT INDIA TO BE FILED BEFORE THE HIGH COURT IN THE EVENT OF THE APPLICATION FOR BAIL BEING DISMISSED BY THE SESSIONS COURT

BEFORE THE HIGH COURT AT (give the name of the High Court where the bail application format India is being filed)

IN THE MATTER OF

STATE

VS

(Mention the name of the accused)

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 in custody since: (Give the date since when the accused is in custody)

APPLICATION U/S 439 CRPC FOR GRANT OF ANTICIPATORY BAIL ON BEHALF OF THE ACCUSED

(name of the applicant of the bail)

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 in the present case and have arrested him. The applicant is a respectable citizen of 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.
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.
12. That the Court below has failed to consider all the facts and circumstances of the case and has wrongly dismissed the bail application.

It is therefore prayed that the court may direct 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

#### IMPORTANT TIPS FOR FILING OF BAIL FORMAT

#### INDIA UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE:

The bail format India under Section 439 of the Code of Criminal Procedure can be signed by any close relative or Parokar of the accused.

An affidavit in support of the bail format India is also to be filed along with the main application.

A readable copy of the FIR is also to be filed along with the bail format in India.

All relevant documents are also to be filed along with the bail format India by which the applicant is seeking bail from the court.

The bail format India is also to be signed by the Counsel who is filing the bail format India either through his memo of appearance or power of attorney.

The details of the FIR, name of the accused, father's name of the accused should be properly mentioned in the bail format India so that the said contents are properly mentioned in the release order, and the Jail authorities can identify the accused properly.

A certified copy or true copy of the order passed by the Court of Session is to be filed along with the bail format India.

### **Conclusion**

The procedure of bail in the country needs to be amended. The recent changes in the bail procedure are not sufficient to cope up with the present problems. The concept of bail bonds needs to be replaced with some other effective instrument that will create deterrence in granting of the bail. The bail procedure needs to make the poor friendly, the huge amounts charged by the courts in the bail bond.