

# DEFAULT BAIL

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# 1. CONCEPT OF DEFAULT BAIL

## **(a) Criminal Justice Administration.**

**i. Police**

**ii. Prosecution**

**iii. Defence**

**iv Court**

**v Prision**

## **(b) Meaning and defination of default bail.**

**. Default is not defined in CrPC, 1973 or General Clauses Act.**

**. Default is release of accuse of any offence due to default of I.O.**

**(c) Conditions for grant of default bail.**

**(i) Accused in custody**

**(ii) Application by the accused- written or oral.**

**(iii) 60 or 90 days has been lapsed**

**(iv) Police report (charge sheet or FR) not**

**Received at the time of default bail**

**Application.**

## 2. Provision relating for default bail

- **167(2) CrPC, 1973 60 or 90 days.**
- **Section 10 U.P. General clauses Act, 1904**
- **Section 10 General clauses Act, 1897**
- **warrant under section 167 and 309 CrPC.**

### 3. Default Bail vis-a-vis 173, (8) CrPC

- **90 or 60 days**
- **Investigation Part Pending**
- **Default Bail Application and chargesheet were filed on the same date**
- **Default Bail Application and final report were filed on the same date**
- **Action against the I.O. in case where the police report not filed within 90 or 60 days.**
- **Rule 53 General Rule Criminal 1977**
- **Sec. 59 The code criminal procedure 1973**

## 4. Judicial Approach Regarding Default Bail

- i Rakesh Kumar Paul v. State of Assam (2017) 15 SCC 67.**
- ii Syed Mohd. Ahmad Kazmi v. State (Govt. of NCT of Delhi) (2012) 12 SCC1.**
- iii Union of India v. Nirala Yadav, (2014) 9 SCC 457.**
- iv Union of India V. Arviva Industries India Ltd., (2014) 3 SCC 159.**
- V Pragma Singh Thakur V. State of Maharashtra, (2011) 10 SCC 445.**
- vi Uday Mohanlal Acharya V. State of Maharashtra, (2001) 5 SCC 453.**
- vii Mohd. Iqbal Madar Sheikh V. St. , (1996) 1 SCC 722.**

- viii State of M.P. V. Rustam, 1995 Supp (3) SCC 221.**
- ix Sanjay Dutt V. State through CBI, (1994) 5 SCC 410.**
- x Aslam Babalal Desai V. State of Maharashtra, (1992) 4 SCC 272.**
- xi Rajnikant Jivanlal Patel V. Intelligence Officer, (1989) 3 SCC 532.**
- xii Husa. Khatoon V. Home Secy. State of Bihar, (1980) 1 SCC 98.**
- xiii A.K. Gopalan V. Government of India, AIR 1966 SC 816.**
- xx Ram Narayan Singh V. State of Delhi, AIR 1953 SC 277.**

**xxi Naranjan Singh Nathawan V. State of Punjab, AIR 1952 SC 106.**

**xxii M. Ravindran Vs. The Intelligence Officer, 2020 SCC OnLine SC 867.**

**xxiii Bikramajeet singh versus state of punjab 2020**

**xxiv Jasveer singh versus NIA 2023**

**xxv Ritu Chabaria Vs. Union of India 2023**



# 5.CONCLUSION

## . Default Bail vis-a-vis Fundamental right.... Article 21

. **Rakesh Kumar Paul v. State of Assam (2017) 15 SCC 67.** के विनिर्णय में माननीय उच्चतम न्यायालय दण्ड प्रक्रिया संहिता, 1973 की धारा 167(2) के संदर्भ में अवधारित किया है कि **even an oral application for grant of default bail would suffice, and so long as such application is made before the charge sheet is filed by the police, default bail must be granted.**

. **Hussainara Khatoon (5) Vs. State of Bihar, (1980) 1 SCC 108.**

प्रस्तुत विनिर्णय में माननीय उच्चतम न्यायालय ने अवधारित किया है कि **It is the duty of the Magistrate to inform the accused that he has a right to be released on bail under Section 167 proviso.**

**THANK YOU**