



# Jharkhand CM Interim Bail Plea | Jharkhand | 22 May 2024

## Why in News?

Recently, the [Enforcement Directorate \(ED\)](#) has opposed [interim bail](#) to former Jharkhand Chief Minister Hemant Soren.

## Key Points

- According to ED, Hemant Soren was guilty of the offence of [money laundering](#) for which he was arrested in January 2024.
- **Interim bail** is granted temporarily during the pendency of a case when regular bail cannot be immediately obtained.
  - The term "**interim bail**" is not explicitly defined in the **Code of Criminal Procedure (CrPC)**.

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## BAIL AND RELATED PROVISIONS IN INDIA

*"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 sensitised judicial process."*

—Justice V.R. Krishna Iyer

**Constitutional Provision for Arrest - Article 22:**  
Grants protection to individuals arrested or detained, with detention classified into two types:

- **Punitive detention:** To punish a person for an offence committed by him after trial and conviction in a court
- **Preventive detention:** Detention of a person without trial and conviction by a court

**Criminal Procedure Code, 1973:** Doesn't define bail, but defines bailable and non-bailable offences:

Type of Offence	Bailable	Non-Bailable
■ <b>Defined under CrPC as:</b>	An offence mentioned in Schedule 1, or An offence made bailable by any other law	Any offence other than bailable
■ <b>Power to Grant Bail</b>	Bail as a right	Court/Police discretion based on the facts

**Types of Bails in India**


- **Regular Bail:** Court's order to release person under arrest in police custody
- **Interim Bail:** Court grants temporary relief until application for Anticipatory Bail or Regular Bail is decided
- **Anticipatory Bail:** Bail granted preemptively to prevent arrest
- **Default Bail:** When police fail to complete investigation within specified period
- **Medical Bail:** Solely on medical grounds

**Cancellation of Bail - Certain Grounds**

- Misuses his liberty by indulging in criminal activity
- Interferes with course of investigation
- Tampering of evidence
- Threatens witnesses, etc

**Bail vs Parole vs Probation**

Bail	Parole	Probation
■ <b>Temporary release</b> of defendant awaiting trial or appeal, secured by deposit to guarantee their appearance in court	When person gets <b>some time off from jail sentence</b> , for instance, to fulfil some requirements	<b>Suspension of sentence</b> of an offender, allowing to stay in community under supervision of an officer
■ <b>Granted by Judge</b>	By Parole Board	By Judge

  
Drishti IAS

