



# Irrational Arrest Gross Violation of Human Rights

## Why in News?

Recently, the [Allahabad high court](#) approved [anticipatory bail](#) for an individual charged under the [Cow Slaughter Act, 1955](#) at Lanka police station in Varanasi.

- The court observed that **irrational and indiscriminate arrest** was a gross [violation of human rights](#).

## Key Points

- The courts have emphasized that arresting individuals should be a last resort for the police, only done in exceptional circumstances when it is absolutely necessary for interrogation.
  - Making **unfounded and arbitrary arrests constitutes serious human rights violations**.

## Anticipatory Bail (Pre-arrest Bail)

- It is a legal provision that **allows an accused person to apply for bail before being arrested**.
- In India, pre-arrest bail is **granted under [section 438 of the Code of Criminal Procedure, 1973](#)**. It is **issued only by the Sessions Court and High Court**.
- The **provision of pre-arrest bail is discretionary**, and the court may grant bail after considering the nature and gravity of the offence, the antecedents of the accused, and other relevant factors.
- The **court may also impose certain conditions while granting bail**, such as surrendering the passport, refraining from leaving the country, or reporting to the police station regularly.

PDF Reference URL: <https://www.drishtiias.com/printpdf/irrational-arrest-gross-violation-of-human-rights>