



Jharkhand CM Interim Bail Plea

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)**.

//

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
■ Defined under CrPC as:	An offence mentioned in Schedule 1, or An offence made bailable by any other law	Any offence other than bailable
■ Power to Grant Bail	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
■ Temporary release of defendant awaiting trial or appeal, secured by deposit to guarantee their appearance in court	When person gets some time off from jail sentence , for instance, to fulfil some requirements	Suspension of sentence of an offender, allowing to stay in community under supervision of an officer
■ Granted by Judge	By Parole Board	By Judge

Drishhti IAS

PDF Refernece URL: <https://www.drishtias.com/printpdf/jharkhand-cm-interim-bail-plea>

