



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)**.

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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 |
|---------------------------------|--|--|
| ■ 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 |

 
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