

Description.

- Once an arrest warrant is issued, any law enforcement officer in the state can arrest you, even if the officer does not have a copy of the warrant. General, there is no time limit on using a warrant to make an arrest.
- Before entering his home, a law enforcement officer must knock and identify him and tell that he is going to be arrested. If he refuse to open the door or if there is another good reason, the officer can breakin through a door or window if the police have an arrest warrant, he should be allowed to see it. If they don't have the warrant with them, he should be allowed to see it as soon as practical.
- The police may search the area within his reach. If he is arrested outdoors, they may not search his home or car.
- Resisting an arrest or detention is a crime. If he resist arrest, he can be charged with a misdemeanor or felony in addition to the crime for which he is being arrested. If he resist, an officer can force to overcome his resistance or prevent his escape. The officer can even use deadly force if it appears he will use force to cause great bodily injury.
- During the questioning and before a charge is filed, if the police are convinced that he have not committed a crime, they will give him a written release. His arrest then will be considered a detention and not recorded as a arrest.

BAIL

"Bail" is the release of a person who is under arrest or who has already appeared in court, in exchange for a promise to appear in court when scheduled.

When you've been arrested, the Police have a discretion to grant his bail ("Police bail") in less serious offences. When he first

appear in court (whether or not he have been arrested). A lawyer will apply for bail ("court bail") on his behalf for bailable offence.

Police Bail

If the person arrested and charged by the Police, the Police shall release him on bail until his first court appearance. The bail comes to an end when he appear in court and you'll then need to apply for court bail instead (see below).

If the Police do not grant him bail, he will be held in Police custody until his taken to court, bail in bailable offence is normally granted unless there is good reason to believe that he will not turn up to court, or that he is likely to be a danger to the community (for example, through re-offending, or tampering with evidence or witnesses). Police bail is not normally granted for more serious offences such as serious assault or burglary. The Police have the power to require him to provide a "surety" (a person who enters into a binding promise).

Court Bail

If the person has been released on Police bail, he will need to apply to the court for bail when he first appear in court. When the Police don't oppose the court granting bail, the decision to bail she/he is normally made by the Judge/Magistrate.

If he has been arrested and the Police have refused to grant him bail, the issue will be decided by a Judge. Similarly, if he is appearing in court (whether or not he has been arrested) and the Police oppose bail, the issue is dealt with by the Judge/Magistrates.

If she/he don't have her/his own lawyer to apply to the Judge on her/his behalf, she/he can avail the services of Legal Aid Advocate (free of cost) from court about applying for bail. The services are free. The legal Aid advocate's services will then formally ask the Judge for bail. She/He is entitled to court bail as of right in certain cases. In other cases whether or not you're

granted bail will depend on a number of factors.

Law Regarding Bail In India

The Criminal Procedure Code, 1973 or Cr.P.C. talks in details about the bail process and how it is obtained. However, it does not define bail. To get a glimpse of the law, we need to go deeper to section 2(a) Cr.P.C. wherein it says that bailable offense means an offense which is shown as bailable in the First Schedule or which is made bailable by any other law for the time being "enforce", and non-bailable offense means any other offense.

Thus, section 2(a) Cr.P.C. talks about schedule which refers to all the offenses under the Indian Penal Code and puts them into bailable and on bailable categories which have been determined according to the nature of the crime. For instance, all serious offenses like offenses punishable with imprisonment for three years or more have been considered as non bailable offenses, all other offenses have been kept as bailable offenses.

Later part of the Cr.P.C. talks about the process of bail under sections 436 to 450 wherein it has the provisions for the grant of bail and bonds in criminal in the Cr.P.C. However, still a lot of discretionary power has been vested into the court to put a monetary cap on the bond.

Citizen Have a Right to Bail

The Supreme Court of India has delivered several cases wherein it has reminded that the basic rule is bail and not jail. One such instance came in State of Rajasthan, Jaipur vs BalchandBaliay case which the apex court decided on 20 September, 1977 and held that the basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the court.

The bench of Justice Krishnaiyer, V.R. had observed that when considering the question of bail, the gravity of the offence involved and the heinousness of the crime which are likely to induce the petitioner to avoid the course of justice must weigh with the court. Taking into consideration the facts of the case the apex court held that the circumstances and the social milieu do not militate against the petitioner being granted bail.

THE PROCESS OF BAIL

When a person is an accused of some crime and arrested to record his statement and take information like the name, residence address, birth place, charge filed against you, etc. The police officer may also check back the criminal record if any in the police station and ask for finger prints to file a case against him. The crimes that are bailable and simple, he will be allowed to apply for bail immediately.

However, if the crime is a little bit complex and non-bailable, he may wait for 24 hours to claim his right to bail in the court wherein he are given a hearing. Depending upon the facts of the case, the Judge/Magistrate decides whether he should get bail or not. Also, in situation he has given bail he has asked to produce surety can come and with the court. Generally, in certain smaller crime cases, a standard amount of surety bond asked to be deposited for awarding the bail.

Common Bail Conditions

There are some conditions put under section 437 of the Cr.P.C. wherein the accused can ask for bail even if he committed non-bailable offense. In non-bailable cases, bail is not the right but the discretion of the Judge/Magistrate if regards the case as fit for the grant of bail, it regards imposition of certain conditions as necessary in the circumstances. Section S. 437 (3) Cr.P.C. elaborates the conditions set by the law to get bail in non-bailable offenses.

The sub-section says that when a person accused or suspected