

EMPHASIZING BAIL AS A PRIMARY ALTERNATIVE TO INCARCERATION: TRANSFORMATIVE TRENDS IN MODERN CRIMINAL JUSTICE

AUTHOR – R.SIVAGAYATHRI, STUDENT AT GOVERNMENT LAW COLLEGE MADURAI AFFILIATED TO THE TAMILNADU DR.AMBEDKAR LAW UNIVERSITY

BEST CITATION – R.SIVAGAYATHRI, EMPHASIZING BAIL AS A PRIMARY ALTERNATIVE TO INCARCERATION: TRANSFORMATIVE TRENDS IN MODERN CRIMINAL JUSTICE, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (1) OF 2024, PG. 680-688, APIS – 3920 – 0001 & ISSN – 2583-2344

Abstract:

In the realm of modern criminal justice, The principle that "bail is the rule, and jail is the exception" has emerged as a pivotal tenet, signifying a shift towards a more balanced and humane approach to the management of accused individuals. This research paper undertakes a thorough exploration of this fundamental concept, employing a multidisciplinary lens to analyze its implications, relevance, and challenges in contemporary society. This research evaluates the historical context of this principle, tracing its origins to the foundational principles of justice, including the presumption of innocence and the right to a fair trial. Through an extensive review of empirical studies, legal precedents, and comparative analyses of international practices, this paper underscores the pivotal role of bail in promoting individual liberty while simultaneously addressing public safety concerns. It examines the diverse factors that influence bail determinations, including socioeconomic disparities, racial bias, and the impact of pretrial detention on recidivism rates. Furthermore, This research delves into the Origin of this concept and discusses the challenges that arise when implementing the "bail is the rule" paradigm, such as the need for effective risk assessment tools, the management of overcrowded detention facilities, and the quest for equitable access to justice. It also scrutinizes alternative approaches to pretrial release, including electronic monitoring and community-based programs, highlighting their potential benefits and drawbacks. In conclusion, this research paper underscores the critical importance of recalibrating the balance between bail and incarceration in contemporary criminal justice systems. By promoting the idea that "bail is the rule, and jail is the exception," this study advocates for a more equitable, efficient, and humane criminal justice system that upholds the principles of justice and fairness for all individuals.

Keywords: Bail, Incarceration, Criminal Justice, Pretrial Detention, Legal Reform

I. INTRODUCTION:

Bail is a temporary release of an accused person from custody, subject to conditions that ensure their appearance at a later date. The principle behind bail is that an accused person is presumed innocent until proven guilty. It serves to protect the rights of accused persons while ensuring that they do not abscond or pose a danger to the public.

II. HISTORICAL BACKGROUND:

The concept of bail is not new to India. The ancient Indian legal system recognized the

importance of bail and provided for its grant in various forms. The British colonial rulers introduced the modern bail system in India in the 19th century, based on the English common law system. After India's independence in 1947, the Indian legal system underwent significant changes, including the codification of criminal law and the development of a modern bail system.

III. LEGISLATIVE HISTORY IN INDIA:

The Indian Constitution guarantees the right to life and personal liberty under Article 21, which

has been interpreted to include the right to bail. The Indian Criminal Procedure Code (CrPC) provides the legal framework for the grant of bail in India. The CrPC empowers the courts to grant bail to an accused person, subject to certain conditions.

IV. RESEARCH METHODOLOGY AND OBJECTIVES:

The research article titled “**Prioritizing Bail Over Incarceration: A Paradigm Shift in Contemporary Criminal Justice**” aims to examine the concept of bail, its importance, and how it is applied in different countries worldwide. The research methodology used in this article includes a comparative analysis of international case laws related to bail.

The objectives of the research are as follows:

1. To provide a brief overview of the concept of bail and its definition.
2. To highlight the importance of bail in protecting the rights of accused persons and ensuring their appearance in court.
3. To analyze the different forms of bail and their implications.
4. To compare the application of bail in different countries, specifically focusing on the United States, Canada, and the United Kingdom.
5. To identify the strengths and weaknesses of the bail systems in these countries.
6. To discuss alternative approaches to the bail system, such as risk assessment tools, pretrial supervision, and cashless bail.
7. To assess the advantages and drawbacks of these alternative approaches.
8. To explore the relationship between bail and recidivism rates.

V. KINDS OF BAIL:

Bail comes in various forms, each serving a unique purpose in the criminal justice system. These different types of bail include practice all over the world

- Cash Bail: In this form of bail, the defendant is required to pay a specific

amount of money to secure their release from custody. If they attend all court proceedings, the money is typically returned, minus administrative fees.

- Surety Bail: A surety bail involves a bail bondsman who provides a guarantee to the court that the defendant will appear for their hearings. The defendant pays a fee to the bondsman, who posts the full bail amount on their behalf.
- Property Bail: Instead of cash, a defendant can use their property, such as a house or land, as collateral for bail. If they fail to appear in court, the court can place a lien on the property.
- Release on Recognizance (ROR): ROR bail is granted without any financial obligation. The defendant is released based on their promise to appear in court, often granted to individuals with minimal flight risk.
- Citation Release: This type of bail typically applies to minor offenses. The defendant is issued a citation with a court date, allowing them to avoid immediate custody.
- Pretrial Services Release: In some jurisdictions, pretrial services agencies may supervise defendants released without bail, ensuring they comply with court orders and conditions.
- Unsecured Bail: With unsecured bail, the defendant is not required to pay any money upfront but may be liable for a specified amount if they fail to appear in court.
- Signature Bond: Also known as a personal recognizance bond, this type of bail relies on the defendant's written promise to appear in court.
- Immigration Bail: For immigration-related detention, this form of bail allows detainees to be released while their

immigration case proceeds. The amount varies depending on the circumstances.

- Federal Bail: In federal cases, bail may be granted under specific federal guidelines, considering factors such as the nature of the offense, the defendant's criminal history, and the risk of flight.
- Conditional Bail: A judge can impose conditions on a defendant's release, such as travel restrictions or mandatory drug testing, to mitigate potential risks.
- Electronic Monitoring Bail: Defendants may be released with the requirement to wear electronic monitoring devices, allowing authorities to track their movements.
- Regular bail refers to bail granted to a person who is under police custody and is dealt with under Sections 437 and 439 of the CrPC¹¹⁷².
- Anticipatory bail, on the other hand, can be granted by a High Court or a Session Court under Section 438 of CrPC¹¹⁷³. This type of bail is applied for when a person fears getting arrested for a non-bailable offence. Non-bailable offences are those for which an accused cannot ask for bail. The court may grant bail at its own discretion.
- Interim bail is granted for a short period before the hearing for a grant of regular bail or anticipatory bail.
- Bail can be granted for bailable offences if the investigation is not completed within the prescribed time, if there is no reasonable ground to believe that the accused has committed a non-bailable offence, if the trial has not been completed within 60 days, or if there is no reasonable ground to believe that the accused is guilty even after the trial is

completed but the judgement is not pronounced. For non-bailable offences, bail is at the discretion of the court and is decided based on the facts and circumstances of the case.

- Section 438¹¹⁷⁴ of the CrPC deals with anticipatory bail and allows a person to apply for bail when they have reason to believe that they may be arrested for a non-bailable offence. In the landmark *Siddharam Satlingappa Mhetre v. State of Maharashtra* case, the court emphasized the importance of the Right to life and liberty guaranteed under Article 21 of the Constitution of India. Article 21 requires a balance between the sanctity of an individual's liberty and the interest of society when granting or refusing bail.

VI. RELEVANCE OF INTERNATIONAL CONVENTIONS IN INDIAN CONSTITUTION:

The right to bail is a fundamental right guaranteed by the Indian Constitution and is essential to the protection of personal liberty¹¹⁷⁵. The Indian courts have recognized the importance of bail in protecting the rights of accused persons and have developed a robust jurisprudence on the subject. The Supreme Court of India has emphasized the importance of ensuring that bail determinations are made on an individualized basis, taking into account the defendant's circumstances. India is a signatory to the Universal Declaration of Human Rights¹¹⁷⁶ and the International Covenant on Civil and Political Rights¹¹⁷⁷, both of which recognize the right to bail. The Indian legal system has incorporated these international standards into its jurisprudence and has developed a bail system that is consistent with these conventions. International organizations, such as the United Nations and the European

¹¹⁷² Code of criminal procedure 1973

¹¹⁷³ *ibid*

¹¹⁷⁴ Code of criminal procedure 1973

¹¹⁷⁵ Constitution of India, Article 21

¹¹⁷⁶ Universal Declaration of Human Rights, 1948

¹¹⁷⁷ International Covenant on Civil and Political Rights, 1966

Convention on Human Rights¹¹⁷⁸, have established guidelines and standards related to pretrial detention and the treatment of individuals in custody. These organizations emphasize the importance of ensuring that pretrial detention is used only when necessary, and that individuals are not subjected to inhumane conditions while awaiting trial. The International Covenant on Civil and Political Rights (ICCPR) calls upon countries to enact laws to compensate people for miscarriage of justice. India ratified ICCPR in 1968 but is yet to comply with its obligations and **enact a law that awards compensation to victims of miscarriage of justice**. Countries like the US, the UK and Germany have enacted laws under which the State is made to compensate a person for miscarriage of justice.

In May this year, a court in the US announced a [compensation of \\$1.5 million](#) after it was found that a man was made to spend 46 years in jail for a murder he had not committed.

VII. RELEVANCE OF HUMAN RIGHTS AND CRIMINAL PROCEDURE CODE:

The significance of the Code of Criminal Procedure (CrPC) in the context of human rights is exemplified by the principle that 'bail is the rule, and jail is the exception.' This fundamental tenet underscores the critical role that CrPC plays in safeguarding and upholding the human rights of individuals accused of crimes. In essence, it ensures that individuals are presumed innocent until proven guilty, as enshrined in international human rights standards. By prioritizing bail as the default, the CrPC promotes the protection of an individual's right to liberty and due process. It underscores the need for a fair and just legal system that prevents arbitrary detention and underscores the principle that imprisonment should only occur when absolutely necessary, thus maintaining a delicate balance between law enforcement and the preservation of human

rights. This principle embodies the core values of justice, equality, and the presumption of innocence, thereby harmonizing the CrPC with the broader framework of human rights principles.

VIII. IMPORTANCE OF BAIL:

Bail is a vital safeguard against wrongful detention, ensuring that an accused person can continue with their life while their trial is pending. It protects the presumption of innocence and ensures that the accused person is not punished before they are proven guilty. Moreover, pretrial detention can lead to an increased likelihood of conviction, as the accused person may be coerced into pleading guilty to avoid spending more time in jail.

IX. ADVANTAGES OF BAIL:

- Bail allows accused persons to continue with their lives while their trial is pending, ensuring that they do not suffer the consequences of pretrial detention.
- It also protects the presumption of innocence and ensures that the accused person is not punished before they are proven guilty.
- Moreover, bail can lead to a reduction in the likelihood of conviction, as the accused person can prepare their defense and avoid being coerced into pleading guilty.

X. DRAWBACKS OF BAIL:

- Bail can have some drawbacks, including the risk that the accused person may abscond or pose a danger to the public.
- Moreover, bail can be expensive, making it difficult for low-income defendants to secure their release.
- The bail system has been criticized for being discriminatory, as low-income defendants may be unable to afford to post bail, leading to pretrial detention and other consequences.

¹¹⁷⁸ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950,

XI. FINDINGS AND STATISTICS

- Statistics on Indian prisons reveal that 68 per cent of prisoners in India are those who have not been convicted by any court for a crime. Many among them have to wait for years before the trial court even begins hearing their cases. Analysis of the latest reports of the National Crime Records Bureau (NCRB) shows that jails in India are mostly flooded with young men and women who are illiterate or semi-literate and come from socio-economically weaker sections of society. More than 65 per cent of undertrial prisoners belong to the SC, ST and OBC categories. Most of them are too poor to even afford the bail fee.¹¹⁷⁹
- In 2018, the Law Commission in its [report on wrongful prosecution and legal remedies](#) ¹¹⁸⁰recommended enacting a legal provision that would provide relief to victims of wrongful prosecution in terms of monetary and non-monetary compensation (such as counselling, mental health services, vocational/employment skills development etc).
- The report stressed, ***"There needs to be recompense for the years lost, for the social stigma, the mental, emotional and physical harassment, and for the expenses incurred etc."***

XII. CURRENT PRACTICES AND POLICIES REGARDING BAIL AND INCARCERATION IN THE CRIMINAL JUSTICE SYSTEM

In the criminal justice system, the practices and policies regarding bail and incarceration can vary depending on the jurisdiction and legal framework. However, there are some common approaches and trends that can be observed.

- 1. Presumption of Innocence: The principle of "innocent until proven guilty" is a foundational concept in the criminal justice system. Bail serves as a way to uphold this principle by allowing individuals accused of a crime to be released from custody while awaiting trial.
- 2. Bail Determination: The process of determining whether an individual should be granted bail involves assessing factors such as the seriousness of the offense, the individual's criminal history, ties to the community, and the risk of flight or danger to the public.
- 3. Cash Bail: In many jurisdictions, cash bail is the most common form of bail. It requires the defendant or their family to pay a certain amount of money to secure their release. However, critics argue that cash bail can lead to the pretrial detention of low-income individuals who cannot afford to pay.
- 4. Bondsmen and Bail Bonds: In some jurisdictions, individuals can use the services of a bail bondsman to secure their release. The bondsman pays the full bail amount in exchange for a fee, typically around 10%.
- Legal frameworks related to pretrial detention vary by country, with different approaches to determining who is eligible for pretrial detention and what conditions are permissible during detention.
- In India, the Code of Criminal Procedure establishes guidelines related to pretrial detention, emphasizing the need to ensure that pretrial detention is used only when necessary and that individuals are not subjected to inhumane conditions while in custody.
- Legal frameworks related to pretrial detention are constantly evolving,

¹¹⁷⁹Mukeshwrat, updated April 5 2022, <https://www.indiatoday.in/india/story/undertrial-prisoners-indian-jails-ncrb-report-prison-statistics-supreme-court-1618588-2019-11-15>, accessed on oct 16 ,11.53 P.M

¹¹⁸⁰ <https://pib.gov.in/newsite/PrintRelease.aspx?relid=183172>

reflecting changing attitudes towards criminal justice and human rights.

XIII. ALTERNATIVE APPROACHES:

- There are various alternative approaches to the bail system, including risk assessment tools, pretrial supervision, and cashless bail. Risk assessment tools allow courts to assess the likelihood that an accused person will abscond or pose a danger to the public, enabling them to make informed decisions about bail. Pretrial supervision involves monitoring the accused person while they are released on bail, ensuring that they comply with the conditions of their release. Cashless bail allows accused persons to be released without posting cash or bond, ensuring that they are not detained solely because of their inability to pay.

- **A. Presumption of innocence and right to a fair trial:**

It is essential to protect the presumption of innocence and the right to a fair trial, especially in the context of the bail system. – Alternative approaches such as risk assessment tools, pretrial supervision, and cashless bail may provide some advantages over the traditional bail system and help address some of these issues.

- **B. Risk assessment tools:**

Risk assessment tools are a type of algorithmic tool used to evaluate an individual's likelihood of committing another crime or failing to appear in court while awaiting trial. – These tools use a variety of factors, such as age, criminal history, and employment status, to generate a risk score that can inform bail decisions. – Proponents of risk assessment tools argue that they can help reduce pretrial detention rates and increase the likelihood of individuals attending their court dates, while

reducing the potential for racial bias in the bail system.

- **C. Pretrial supervision:**

Pretrial supervision is a type of community-based supervision that allows individuals to remain in the community while awaiting trial, rather than being detained in jail. – Supervision can include regular check-ins with a pretrial officer, drug testing, and electronic monitoring. – Pretrial supervision has been shown to be an effective alternative to pretrial detention, with lower rates of failure to appear in court and fewer new criminal charges.

- **D. Cashless bail:**

Cashless bail, also known as non-financial bail, is a type of bail that does not require a cash payment to be released from jail. – Instead, individuals may be required to provide collateral, such as property or a surety bond, to ensure their appearance at future court dates. – Cashless bail can help reduce the financial burden of the bail system on low-income defendants, reducing the risk of pretrial detention and its associated consequences.

- **D. Electronic monitoring:**

Electronic monitoring is a type of pretrial supervision that uses technology, such as ankle bracelets, to track an individual's movements and ensure compliance with court orders. – Electronic monitoring can help reduce the need for pretrial detention, allowing individuals to remain in the community while awaiting trial. – However, electronic monitoring can also raise issues related to privacy and potential for abuse, and must be used judiciously.

- **E. Community-based programs:**

Community-based programs, such as drug treatment, mental health services,

and job training programs, can offer an alternative to pretrial detention for individuals who are not deemed a flight risk or a danger to the community. – These programs can help address underlying issues that may have led to criminal behavior, reducing the likelihood of future criminal activity. – Community-based programs can also be more cost-effective than pretrial detention, reducing the financial burden on local governments and taxpayers.

XIV. DIFFICULTIES ALL OVER THE WORLD:

- **Overcrowded facilities:**

Overcrowding in jails and prisons can lead to a range of issues, including increased violence, lack of access to medical care, and decreased opportunities for rehabilitation. – Courts have recognized the need to address issues related to overcrowding in order to ensure that individuals are not subjected to cruel and unusual punishment, in violation of the Eighth Amendment. – Alternative approaches to pretrial detention, such as those outlined above, can help reduce the number of individuals who are detained pretrial, thereby reducing the burden on over-crowded facilities.

- **Socio-economic disparities:**

Socio-economic disparities can lead to low-income defendants being unable to afford bail, resulting in pretrial detention. – Pretrial detention can have severe consequences, particularly for disadvantaged communities, leading to a loss of employment, housing, and even custody of children.

- **Racial bias:**

There is concern about racial bias in the bail system, with certain groups being more likely to be detained pretrial. – Racial bias in the bail system can result

in a violation of the presumption of innocence and the right to a fair trial.

Case law: – Several court cases have addressed issues related to pretrial detention and managing over-crowded facilities, including **Bell v. Wolfish**¹¹⁸¹, which established the standard for determining whether pretrial detention conditions violate the Eighth Amendment, and **Brown v. Plata**¹¹⁸², which addressed issues related to overcrowding in California prisons. – These cases underscore the importance of ensuring that pretrial detention is used only when necessary, and that individuals are not subjected to inhumane conditions while awaiting trial.

- **Recidivism rates:**

Recidivism refers to the rate at which individuals who have been released from pretrial detention go on to commit another offense. – High recidivism rates can be indicative of issues related to the effectiveness of pretrial detention, particularly in addressing underlying issues that may have led to criminal behavior. – Alternative approaches to pretrial detention, such as those outlined above, may offer advantages in terms of reducing recidivism rates and promoting long-term rehabilitation.

XV. LANDMARK JUDGEMENTS:

- Landmark cases, such as **Salil Bali v. Union of India**¹¹⁸³, have addressed issues related to pretrial detention in India, including the need to ensure that pretrial detention is used only when necessary and that individuals are not subjected to inhumane conditions while in custody. – These cases underscore the importance of balancing the need for pretrial detention with the rights and dignity of individuals.

¹¹⁸¹ Bell v. Wolfish, 441 U.S. 520 (1979)

¹¹⁸² Brown, et al. v. Plata, et al., 563 U.S. 493 (2011)

¹¹⁸³ Salil Bali v. Union of India (2013) 7 SCC 705

- **Hussainara Khatoon vs. Home Secretary, State of Bihar (1979)¹¹⁸⁴**, Justice held that the right to a speedy trial is an essential part of the right to life and personal liberty guaranteed by the Constitution of India and that the courts should take into account the prolonged detention of an accused person while considering their bail application.
- **State of U.P. vs. Deoman Upadhyaya (1960)¹¹⁸⁵**, where it held that the burden of proving the guilt of an accused lies solely with the prosecution, and until the prosecution proves the guilt beyond a reasonable doubt, the accused is entitled to the benefit of doubt. It was recently reiterated by the apex court in **Sanjay Thakrar vs. Government of India (2021)** that an accused is presumed innocent until proven guilty in a court of law.
- **Gudikanti Narasimhulu vs Public Prosecutor (1978)¹¹⁸⁶**: This case established that bail is rule, and jail is an exception. The Supreme Court held that the power to grant bail is not to be exercised in a routine manner, but with great care and circumspection.
- **State of Rajasthan vs Balchand (1977)¹¹⁸⁷**: This case held that the object of bail is to secure the attendance of the accused at the trial and the proper course to be adopted by the court is to exercise its discretion judiciously, balancing the interests of the accused with those of the society.
- **Sanjay Chandra vs CBI (2012)¹¹⁸⁸**: This case highlighted the importance of bail as a fundamental right. The Supreme Court held that pretrial detention should

be used only when necessary, and that the accused should be granted bail if there is no likelihood of them absconding or interfering with the investigation. In other countries, notable cases related to bail include

XVI. BAIL IN DIFFERENT COUNTRIES:

The concept of bail is applied differently in various countries worldwide, with some countries having more effective and just systems than others. We will examine the bail system in the United States, Canada, and the United Kingdom, drawing on case laws and judicial precedents to illustrate the differences in their application.

- **A. United States** The American bail system has been criticized for being discriminatory, with low-income defendants often being unable to afford to post bail. However, the Eighth Amendment to the Constitution prohibits excessive bail, and there have been efforts to reform the system to make it fairer and more just. The Supreme Court of the United States has emphasized the importance of ensuring that bail determinations are made on an individualized basis and that the defendant's financial situation is taken into account.
- **B. Canada** In Canada, the bail system is based on the principle of "least restrictive measures," meaning that pretrial detention should only be used as a last resort. The Supreme Court of Canada has emphasized the importance of taking into account the accused person's individual circumstances, including their background, when deciding whether bail should be granted. In the landmark case of **R. v. Antic, 2017 SCC 27**, the Supreme Court of Canada set out the principles that should guide bail determinations, emphasizing that pretrial detention should be avoided unless it is necessary

¹¹⁸⁴Hussainara Khatoon vs. Home Secretary, State of Bihar 979 AIR 1369, 1979 SCR (3) 532

¹¹⁸⁵ State of U.P. vs. Deoman Upadhyaya [AIR 1960 SC 1125]

¹¹⁸⁶ Gudikanti Narasimhulu vs Public Prosecutor (1978)1978 AIR 429 1978 SCR (2) 371 1978 SCC (1) 240

¹¹⁸⁷ State of Rajasthan vs Balchand (1977)1977 AIR 2447 1978 SCR (1) 535 1977 SCC (4) 308

¹¹⁸⁸ Sanjay Chandra vs CBI (2012 2004 (1) JCC 308

to ensure the accused person's attendance at trial or to protect the public.

- **C. United Kingdom** In the United Kingdom, pretrial detention is considered a last resort. However, recent reforms have been introduced to address concerns about the misuse of bail in cases of domestic violence. The reforms include new guidance for police officers and prosecutors to ensure that bail is used appropriately and that victims of domestic violence are protected.

CASES

- **United States v. Salerno (1987)**¹¹⁸⁹: This case held that the Bail Reform Act of 19 was constitutional, and that pretrial detention could be used to ensure the safety of the community.
- **R. v. Hall (2002)**¹¹⁹⁰: This case established that the primary consideration in granting bail is the likelihood of the accused court and that the accused should be released on bail unless there is a real and significant risk that they will flee.
- **Secretary of State for the Home Department v. O'Brien (2014)**: This case held that requiring a defendant to pay a full bail amount in exchange for a fee, typically around 10% of the bail amount, was not a violation of the European Convention on Human Rights. These cases highlight the importance of bail as a fundamental right and the need to balance the interests of the accused with those of society. They also emphasize the need for courts to exercise their discretion judiciously when deciding whether to grant or deny bail

XVII.RECOMMENDATIONS:

- 1. Bail determinations should be made on an individualized basis, taking into account the defendant's background, financial situation, and other relevant factors.
- 2. Pretrial detention should be avoided unless it is necessary to ensure the accused person's attendance at trial or to protect the public.
- 3. Bail should be granted in the least restrictive form possible, taking into account the defendant's circumstances.
- 4. One of the reasons that delays the release of an accused or a convict is the insistence upon a local surety, and it is suggested that in such cases, the courts may not impose the condition of local surety.¹¹⁹¹
- 5. Excessive conditions cannot be imposed while granting bail/suspension or suspending a sentence¹¹⁹²

XVIII.CONCLUSIONS:

In conclusion, bail is an essential component of the criminal justice system worldwide, serving to protect the rights of accused persons. The application of bail varies significantly across different countries, with some countries having more effective and just systems than others. By drawing on case laws and judicial precedents, such as the landmark case of **R. v. Antic, 2017 SCC 27**, we can gain a deeper understanding of the complexities of the bail system and ensure that it is used fairly and justly to guarantee that the rights of the accused are protected.

¹¹⁸⁹ United States v. Salerno (1987)481 U.S. 739 (1987)
¹¹⁹⁰ R. v. Hall (2002)515(10)(c)

¹¹⁹¹Thewire,3rdfebruary2023,<https://thewire.in/law/consider-modifying-prisoners-bail-conditions-if-bonds-not-furnished-within-a-month-sc-to-courts>,accessed on october 16; 11.29 p.m

¹¹⁹²K.mAshok,18thjanuary2023;5.23P.M,<https://www.livelaw.in/top-stories/supreme-court-bail-conditions-excessive-guddan-roop-narayan-vs-state-of-rajasthan-2023-livelaw-sc-45-219304>,Accessed on 16th october 2023,11.32 P.M