

Rules and Exceptions

The Hindu

Paper - II
(Polity)

The Supreme Court of India's order granting bail to Delhi Deputy Chief Minister Manish Sisodia is a reminder to judges that they cannot deny bail as a form of punishment. It is also a reminder that the fundamentals of bail law are quite simple.

What was the Supreme Court's decision regarding Manish Sisodia?

- ❖ The Supreme Court of India granted bail to Delhi Deputy Chief Minister Manish Sisodia after nearly a year-and-a-half in prison.
- ❖ The decision emphasized that bail should not be denied as punishment.
- ❖ The court noted that when a case relies mainly on documentary evidence, bail should be the norm unless the suspect is a flight risk or can tamper with evidence. Sisodia was arrested in early 2023 by the CBI and the ED in the Delhi liquor policy case.

Why is this decision important for bail law?

- ❖ **Bail is the Rule, Not the Exception:** The Supreme Court's decision in granting bail to Manish Sisodia reinforces the principle that bail is the rule, not the exception.
- ❖ **Documentary Evidence and Bail Norms:** The case involved mainly documentary evidence, indicating that bail should be the norm unless there is a flight risk or tampering with evidence.
- ❖ **Criticism of Judges' Tendency:** The Supreme Court criticized the tendency of some judges to deny bail unnecessarily, ignoring the principle of timely trials. This may lead to loss of public trust in the judiciary.
- ❖ **Protecting Citizens' Liberty and Ensuring Fair Trials:** In October 2023, the Supreme Court had directed that Sisodia could reapply for bail if the trial was delayed. This decision highlights the importance of protecting citizens' liberty and ensuring fair trials without prolonged pre-trial imprisonment, especially when trials are delayed.

The Delhi Liquor Policy Case:

- ❖ **Case of Delhi's Deputy CM :** Mr. Sisodia was arrested by the CBI and then the Enforcement Directorate in early 2023.
- ❖ **Case of Delhi's CM :** Arvind Kejriwal's turn came this year, but he managed to get interim bail in the ED's case concerning money-laundering charges, while he is still in custody in connection with the CBI's corruption case.
- ❖ **The Supreme Court Order:** The order Justices B.R. Gavai and K.V. Viswanathan: of has done more than pave the way for Mr. Sisodia's release after nearly a year-and-a-half in prison.
- ❖ **Prolonged Delay in Trial Proceedings:** It has foregrounded the principle that the Prevention of Money Laundering Act(PMLA) cannot be stated in the way of a person's conditional release if there is a prolonged delay in the trial proceedings.

- ❖ **Judges "Play Safe" Approach:** The Bench highlighted the tendency among some judges to ignore the principle that bail is the rule, and not the exception. ED's Assurance: In Mr. Sisodia's case, ED assured that the trial would be completed within 6-8 months, the Court had allowed him to apply for bail again if the trial progresses too slowly or is protracted.
- ❖ **Court's Ignorance:** Both the trial court and the Delhi High Court paid no heed to the Supreme Court's pointed reference to the need for speedy trial, but dismissed his application on merits and claimed that any delay in the commencement of the trial was attributable to the various petitions he has filed.

The Supreme Court's order granting bail to Manish Sisodia serves as a crucial reminder that the principles of bail law, emphasizing the presumption of innocence, and the right to liberty, must be upheld by the judiciary. Judges should guard against a likely loss of public trust in the judiciary's ability to protect the liberty of citizens and ensure fair trial and needless pre-trial imprisonment.

Expected Question for Prelims

Que. Consider the following statements:

1. Bail is a right in bailable offences.
2. The court has the discretion to grant bail to the accused in non-bailable offences.

Which of the statements given above is/are correct?

- | | |
|------------------|---------------------|
| (a) Only 1 | (b) Only 2 |
| (c) Both 1 and 2 | (d) Neither 1 nor 2 |

Answer : C

Mains Expected Question & Format

Que.: Discuss the current bail law in India. Why is the recent decision of the Supreme Court regarding the bail of Manish Sisodia important in context of bail system in India?

Answer's Approach:

- ❖ In the first part of the answer, discuss the bail law present in India.
- ❖ In the second part, discuss the importance of the Supreme Court's decision regarding the bail of Manish Sisodia.
- ❖ Finally give a way forward.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.