



# Difference between Anticipatory Bail, Regular Bail and Interim Bail under the New criminal Law





# Difference between Anticipatory Bail, Regular Bail and Interim Bail under the New Law Criminal Law BNSS: [Advocate Rohit Dandriyal](#)

The Bharatiya Nagarik Suraksha Sanhita (BNSS) brings significant changes to the procedures for anticipatory and regular bail, reflecting a modernization of India's criminal procedure code. These revisions aim to balance the rights of the accused with the needs of effective law enforcement. In a legal system that presumes innocence until proven guilty, bail is a fundamental right. It allows individuals accused of crimes to remain free until their trial, ensuring they have the opportunity to prepare their defense. The BNSS, a comprehensive overhaul of the Criminal Procedure Code (CrPC), introduces new procedures and criteria for granting both anticipatory and regular bail. This blog provides a comprehensive analysis of the recently introduced procedures, elucidating the salient sections and their respective implications.

In the context of Indian New criminal law, **anticipatory bail**, **regular bail**, and **interim bail** serve distinct purposes within the framework of criminal proceedings. I will try breakdown of their differences under the Bharatiya Nagarik Suraksha Sanhita, 2023:

## 1. Anticipatory Bail

- **Definition:** Anticipatory bail is a pre-arrest legal remedy sought by a person who apprehends arrest on accusation of having committed a non-bailable offense.
- **Legal Basis:** Section 482 of the BNSS.
- **Purpose:** To prevent undue harassment or detention before arrest.
- **Conditions:** The court granting anticipatory bail may impose conditions such as:
  - Regular appearance before the investigating officer.
  - Non-interference in the investigation.
  - Surrender of the passport.
- **Jurisdiction:** Can be granted by Sessions Court or High Court.
- **Timing:** Must be sought before arrest.

## 2. Regular Bail

-Regular bail is granted to a person who has already been arrested and is in judicial custody.

– **Legal Basis:** Section 480 and 483 of the BNSS.

–: To release the accused from custody while ensuring their presence during the trial or investigation.

– **Conditions:** Courts may impose conditions like:

– Furnishing a bail bond or surety.

– Restriction on travel.

– Cooperation in the investigation.

– **Jurisdiction:** Magistrate Court, Sessions Court, or High Court, depending on the gravity of the offense.

– **Timing:** Sought after the arrest.

### 3. Interim Bail

– **Definition:** Interim bail is a temporary measure granted before the hearing or final disposition of a regular or anticipatory bail application. Its significance lies in the requirement of certain documents, such as a charge sheet or case diary, during the court proceedings. These documents facilitate the judicious decision-making process. However, the process of obtaining these documents can be time-consuming, necessitating the accused's detention in legal custody until the court receives the necessary information. Interim bail allows the accused to apply for it to avoid incarceration while awaiting the court's decision on the regular or anticipatory bail application. Essentially, interim bail serves as a temporary release from custody during a shorter duration, enabling the court to review the requested documents and make a final determination. Interim bail is typically granted under specific conditions.

–**Basis:** Not explicitly mentioned in the BNSS but is granted under the inherent powers of the judiciary.

– Purpose: To provide immediate and temporary relief to the accused, preventing detention until the final decision on the bail application.

– **Conditions:** Courts may impose conditions to ensure that the accused does not misuse the temporary relief.

– **Jurisdiction:** Any court empowered to decide on the main bail application.

### CASES LAW ON INTERIM BAIL

*Sukhwant Singh & Ors v. State of Punjab (2009) 7 SCC 559,*

In this case Hon'ble Supreme Court held that the interim bail is a measure especially to safeguard the reputation of an accused.

Also, the court has the inherent power to grant bail to a person whose bail application is still pending for disposal.