CONTENTS

	Preface	v-vii	
	Acknowledgements	viii	
	Contents	IX-XI	
	Table of cases	XII-XX	
	PART ONE		
	CONCEPTUAL BASE AND STRUCTURE	1 - 60	
Chapter 1	THE CONCEPT AND SYSTEM OF BAIL: EVOLUTIONARY		
•	PERSPECTIVE	3-11	
	Meaning	3	
	Preview	4	
	Nexus Between Bail and Liberty	7	
	Straying Scenario	8	
	Need for balancing the values	9	
Chapter 2	THE BAIL SYSTEM IN INDIA: STRUCTURE		
	AND POLICY	12 - 28	
	The Legislative Base	12	
	Policy considerations underlying Bail	15	
	Judicial Policy	18	
Chapter 3	ANTICIPATORY BAIL: A NECESSITY OR		
	AN ANOMALY	29-45	
	Nature and Purpose	29	
	Judicial Approach	31	
	A Critique	43	
Chapter 4	BAIL MECHANISM: LEGAL AND FUNCTIONAL		
	ASPECTS	46 - 60	
	Bail as a Facility under Criminal Justice	46	
	Functional Aspect of Bail	47	
	Statutory Aspect of Bail Mechanism	49	
	Stages of Release	52	
	Judicial Perspective	56	
	An Estimation of Existing Bail Mechanism	57	
	PART TWO		
	ROLE AND RESPONSIBILITY OF POLICE	61 - 88	
Chapter 5	THE ROLE OF POLICE	63 - 68	

	Meaning of Arrest	63	
	Arrestees' Rights and Checks on Police	64	
	Bail by Police	66	
	Police Role in Human Rights Regime	6 7	
Chapter 6	POLICE ATTITUDES ON PRE-TRIAL RELEASE:		
	AN EMPIRICAL STUDY	69 - 77	
	Police Views	69	
	Analysis of Police Attitudes	72	
	Unsatisfactory Law on Sureties	74	
	Manhattan Bail Project : An Alternate Suggestion	77	
Chapter 7	PREVENTION OF WRONGFUL ARRESTS: A SAFETY		
	MECHANISM		
	Introductory	78	
	Departmental Disciplining of Police Officers	78	
	The Actual Practice	80	
	Criminal Prosecution	82	
	Civil Action	85	
	Need for Civil Action	86	
	PART THREE		
	BAIL PROCESS	89 - 172	
Chapter 8	FIRST PHASE: POLICE ARREST	91 - 114	
	Police Detention		
	Arrest as per Procedural Law	91	
	Custody	92	
	Sources of Power	95	
	Remand: Investigatory Custody	98	
	Delayed Investigation: Causes and Effects	105	
	Investigatory Custody: A Requiem on		
	Personal Liberty	109	
	Law Commission's Indictment	111	
Chapter 9	SECOND PHASE: USE OF DISCRETION	115 - 148	
	Judicial Conscience	115	
	Bail Discretion in Special Proceedings	119	
	Dichotomy of Judicial Techniques	121	
	Cataloguing the Tests	124	
	Limitation on use of Bail Discretion	125	
	Bail with Condition	131	
	Rationale for Cancellation of Bail	132	
	Effect of Discretion on Administration of Justice	136	

	Effect of Discretion on Administration of Justice Bail Process in Delhi Courts: Empirical Testing Guidelines for Exercise of Discretion	136 138 143
Chapter 10	THIRD PHASE: PRESCRIBING THE FORMS AND	
	MODES OF RELEASE	149 - 172
	Forms and Modes of Release under the Code	149
	A. Bail	151
	B. Security	153
	C. Bond	155
	D. Surety	156
	E. Miscellaneous	157
	Streamlining Bail Forms: An Imperative Need	160
	Quantum of Bail	165
	Professional Sureties	
	PART FOUR	
	CONCLUDING REMARKS	169 - 179
Chapter 11	EVALUATION OF THE LAW OF BAILS	171 - 179
•	The Practice	171
	Confusions and Convolutions	171
	Ground Realities	176
Chapter 12	PRE-CONDITIONS FOR BAIL REFORM	180 - 187
•	Proper Functioning of the Police Power	180
	Devices to Control Police Power	181
	Speedy Trial	182
	Legal Aid and Services	185
Chapter 13	A NEW APPROACH TO BAIL LAW: AN OUTLINE	188- 191
APPENDIC	ES	193-283
SUBJECTINDEX		