Polity & Governance · GS - II

Examine the significance of anticipatory bail in protecting individual liberty while balancing the requirements of criminal investigation in India.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 05/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21, personal liberty, presumption of innocence, BNSS Section 482, protection against arbitrary arrest, judicial discretion, investigation requirements, safeguards against misuse, rule of law.

Model Answer

Introduction

Anticipatory bail is an important legal safeguard that protects individuals from unnecessary detention while ensuring that criminal investigations can proceed.

Constitutional and Legal Framework

Article 21 of the Constitution protects life and personal liberty. Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, empowers the High Court and Court of Session to grant anticipatory bail to a person apprehending arrest for a non-bailable offence.

Courts consider factors such as the nature of allegations, possibility of absconding, risk of evidence tampering and cooperation with investigation.

Balancing Liberty and Investigation

Anticipatory bail helps prevent arbitrary arrest and protects the dignity of individuals. However, it does not grant immunity from investigation or amount to acquittal. Courts may impose conditions requiring cooperation with

investigating agencies.

The recent court proceedings involving Congress MP and JNU professor Angomcha Bimol Akoijam highlight the role of judicial scrutiny in determining protection against arrest.

Conclusion

Anticipatory bail strengthens the rule of law by balancing individual liberty with legitimate investigative requirements.

BECOME IAS
AI POWERED UPSC PREP