Polity & Governance · GS - II

Examine the constitutional and legal principles governing suspension of sentences and grant of bail during the pendency of criminal appeals. How can courts balance individual liberty, medical considerations and the interests of justice?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 23/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 21, Article 136, Article 137, appellate jurisdiction, suspension of sentence, medical bail, judicial discretion, presumption of innocence, rule of law

Model Answer

Introduction

The criminal justice system must balance the enforcement of judicial sentences with the protection of individual liberty. Courts may grant interim relief, including suspension of sentence and bail, during appeals when legally justified circumstances exist.

Constitutional and Legal Framework

1. **Article 21:** The right to life and personal liberty requires that restrictions on liberty follow a fair, just and reasonable legal procedure.

2. **Article 136:** The Supreme Court can exercise discretionary special leave jurisdiction to examine challenges to decisions of courts and tribunals.

3. **Section 430 of BNSS, 2023:** Appellate courts may suspend the execution of a sentence and release a convicted person on bail or personal bond, subject to statutory conditions. The corresponding provision under the earlier CrPC was Section 389.

4. **Judicial discretion:** Courts consider the nature of the offence, sentence, grounds of appeal, period of incarceration and other relevant circumstances while deciding applications for suspension.

Balancing Competing Considerations

1. **Medical condition:** Serious illness and the availability of appropriate treatment in custody may influence decisions on temporary release.

2. **Individual liberty:** Prolonged incarceration during an appeal must be considered alongside the constitutional protection of personal liberty.

3. **Public interest:** Courts must assess risks of absconding, witness intimidation, evidence tampering and threats to public safety.

4. **Victim and societal interests:** Judicial relief must remain consistent with the seriousness of the offence and the legitimate interests of victims.

Challenges and Way Forward

1. Appellate delays can result in prolonged incarceration before final adjudication.
2. Courts should prioritise timely hearings in appeals involving long periods of custody.
3. Medical assessments should be supported by credible and independent evidence.
4. Bail conditions and periodic medical reviews can help balance liberty with public interest.

Conclusion

Suspension of sentence is an interim judicial remedy, not an acquittal. A reasoned and evidence-based approach ensures that individual liberty, medical needs and the administration of justice are protected together.