

“92.1... The application seeking anticipatory bail should contain bare essential facts relating to the offence, and why the applicant reasonably apprehends arrest, as well as his side of the story. These are essential for the court which should consider his application, to evaluate the threat or apprehension, its gravity or seriousness and the appropriateness of any condition that may have to be imposed.

92.3...While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Sushila Aggarwal vs. State (NCT of Delhi), (2020) 5 SCC 1

“112. [...]

- (i) the nature and gravity of the accusation and the exact role of the accused;
- (ii) the antecedents of the applicant including whether the accused has previously undergone imprisonment on a conviction by a court in respect of a cognizable offence;
- (iii) the possibility of the applicant fleeing from justice;
- (iv) the likelihood of the accused repeating similar or other offences;
- (v) whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting them;
- (vi) the impact of the grant of anticipatory bail particularly in cases of magnitude affecting a large number of people;
- (vii) The court must carefully evaluate the entire material against the accused. The court must also clearly comprehend the exact role of the accused in the case. Cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should be considered with even greater care and caution because over implication in such cases is a matter of common knowledge and concern;
- (viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) the reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant;

(x) frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

113. Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record.”

Siddharam Satlingappa Mhetre vs. State of Maharashtra, (2011)1 SCC 694

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons... Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been roped in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu vs. P.T. Manokaran [(2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345]** , **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain [(2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176]** and **Union of India vs. Padam Narain Aggarwal [(2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1]** .)” held in **Jai Prakash Singh vs. State of Bihar, (2012) 4 SCC 379**