

Bail - Reasons - “Giving reasons is different from discussing merits or demerits. At the stage of granting bail a detailed examination of evidence and elaborate documentation of the merits of the case has not to be undertaken. That did not mean that whilst granting bail some reasons for *prima facie* concluding why bail was being granted did not have to be indicated.” (Puran v. Rambilas) - We respectfully agree with the above dictum of this Court - Such expression of *prima facie* reasons for granting bail is a requirement of law in cases where such orders on bail application are appealable, more so because of the fact, that the appellate court has every right to know the basis for granting the bail -

Held

We are not in agreement with argument that the High Court was not expected even to indicate a *prima facie* finding on all points urged before it while granting bail, more so in the background of the facts of this case where on facts it is established that a large number of witnesses who were examined after the respondent was enlarged on bail had turned hostile and there are complaints made to the court as to the threats administered by the respondent or his supporters to witnesses in the case. In such circumstances, the Court was duty bound to apply its mind to the allegations put forth by the investigating agency and ought to have given at least a *prima facie* finding in regard to these allegations because they go to the very root of the right of the accused to seek bail. The non consideration of these vital facts us to the allegations of threat or inducement made to the witnesses by the respondent during the period he was on bail has vitiated the conclusions arrived at by the High Court while granting bail to the respondent. The other ground apart from the ground of incarceration which appealed to the High Court to grant bail was the fact that a large number of witnesses are yet to be examined and there is no likelihood of the trial coming to an end in the near future. This ground on the facts of this case is also not sufficient either individually or coupled with the period of incarceration to release the respondent on bail because of the serious allegations of tampering of the witnesses made against the respondent.

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