

CrPC S. 439 Bail - Reasonings - Judgments - Reasoning is the life blood of the judicial system. That every order must be reasoned is one of the fundamental tenets of our system - Court has consistently upheld the necessity of reasoned bail orders, with a special emphasis on matters involving serious offences - Apart from the general observation that the facts and circumstances of the case have been taken into account, nowhere have the actual facts of the case been adverted to - There appears to be no reference to the factors that ultimately led the High Court to grant bail - The impugned order passed by the High Court is cryptic, and does not suggest any application of mind - There is a recent trend of passing such orders granting or refusing to grant bail, where the Courts make a general observation that "the facts and the circumstances" have been considered - No specific reasons are indicated which precipitated the passing of the order by the Court - Such a situation continues despite various judgments of this Court wherein this Court has disapproved of such a practice.

Held, In the present case, respondent no. 2 accused has been accused of committing the grievous offence of rape against his young niece of nineteen years. The fact that the respondent no. 2 accused is a habitual offender and nearly twenty cases registered against him has not even found mentioned in the impugned order. Further the High Court has failed to consider the influence that the respondent no. 2 accused may have over the prosecutrix as an elder family member. The period of imprisonment, being only three months, is not of such a magnitude as to push the Court towards granting bail in an offence of this nature.

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