

Principles that a Court must bear in mind while deciding an application for grant of [bail](#).

“9...However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr., (2010) 14 SCC 496,

Aforestated principles have been affirmed and restated in a number of subsequent decisions, including in the recent judgments of **Neeru Yadav v. State of U.P. & Anr.**, (2014) 16 SCC 508, ¶ 11, **Anil Kumar Yadav v. State (NCT of Delhi) & Anr.**, (2018) 12 SCC 129, ¶ 17 & 18 and **Mahipal v. Rajesh Kumar & Anr.**, (2020) 2 SCC 118, ¶ 13.

Tags: [Bail - considerations](#), [CrPC S. 439](#), [jkl](#)