

DESPITE SC ALARM, BAIL IS STILL NOT THE NORM

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The Supreme Court judges have raised the alarm about indiscriminate arrests and the near-impossible chances of getting bail for undertrial prisoners in two separate fronts in a matter of a week.

Chief Justice of India N.V. Ramana, speaking in Jaipur on July 16, urged the government to re-examine the criminal justice system.

On July 11, a Bench of Justices Sanjay Kishan Kaul and M.M. Sundresh even suggested a new Bail Act itself to streamline and simplify the process.

However, words and judgments apart, bail is still tough to get, and once got, the conditions imposed on the accused, even by the Supreme Court, remain stringent, to say the least.

Zubair's case

On July 8, Alt News co-founder Mohammed Zubair got interim bail from the top court in a case registered against him in Sitapur of Uttar Pradesh for a tweet.

Though bail was granted, the Bench imposed strict conditions. One of them was that he should not post "any tweets". The other that he "shall not tamper with any evidence, electronic or otherwise in Bengaluru or anywhere else".

The conditions hardly matched the fact that the top court's bail would not leave Mr. Zubair a free man.

The Uttar Pradesh government had made it clear that, at the most, he would be transferred to Delhi for judicial custody in another case concerning his tweet. Since then, multiple cases have been registered against him in Uttar Pradesh itself.

The CJI's speech on July 16 may be an acknowledgement of the rising concerns about personal liberty and the burgeoning undertrial prisoner population in jails across the country.

"In our criminal justice system, the process is the punishment," Chief Justice Ramana said. The CJI pointed out that 80% of the 6.10 lakh prisoners are undertrials.

The July 11 judgment had also highlighted how jails were overflowing in India while conviction rates remain an abysmal low. The judgment underscored that a police state cannot exist within a democracy. "

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