



## 5. BAILABLE AND NONBAILABLE

Under the Code of Criminal Procedure offences have been classified as 'bailable' and 'nonbailable' offences. **In the case of bailable offences it is binding upon the investigating officer to grant bail.** But in case of a non-bailable offence the police do not grant bail, the decision is taken by a Judicial Magistrate/Judge only.

- (1) In the case of a bailable offence, if the accused produces proper surety after his arrest, it is essential to release him. If the Station House Officer creates obstacles, the accused or his relatives can approach the Senior Officer of the police station concerned and lodge necessary complaint.
- (2) In the case of a nonbailable offence, it *is* necessary to produce the accused before the Judicial Magistrate/Judge concerned within **24** hours of the arrest. At that time, the accused has a right to apply for bail himself or through his representative/lawyer. Similarly if he has been subjected to beating or any torture by the police after arrest, he has an opportunity to complain against the same before the Judicial Magistrate/Judge.