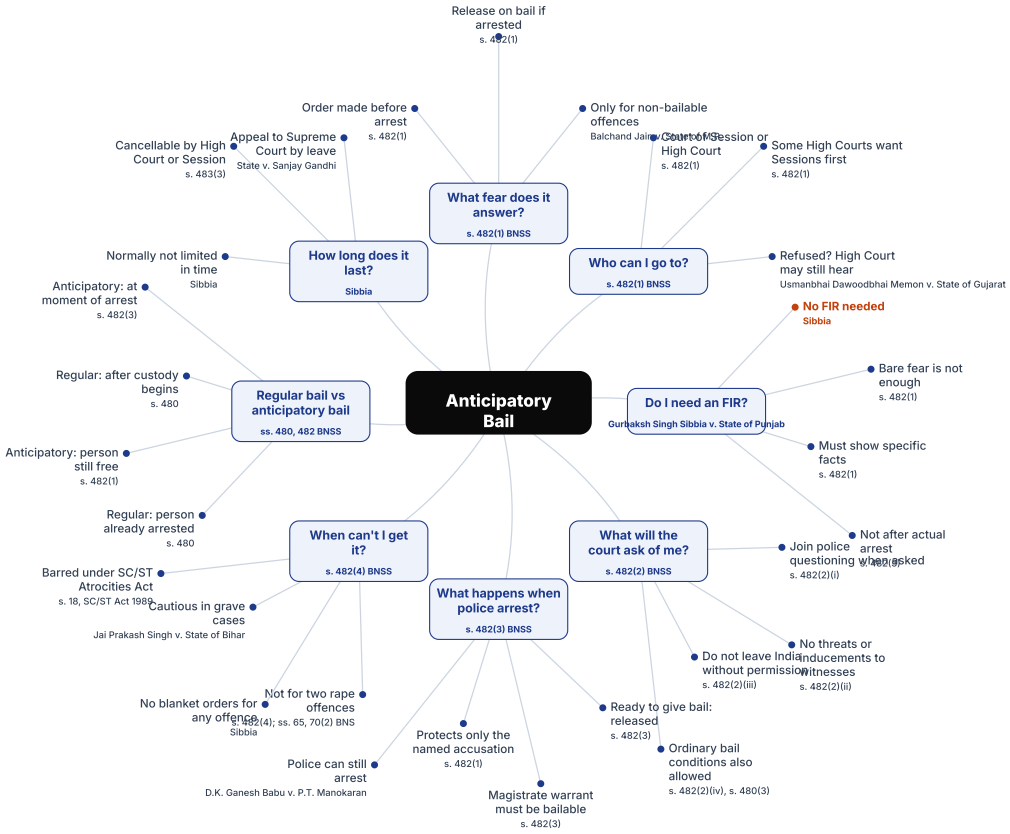
Anticipatory Bail: Mind Map

CONCEPT MAP

Revise Anticipatory Bail in two minutes. The highlighted point is the one examiners test most.
Read the full explainer: Anticipatory Bail explained.



Remember: Exam trap: it stops humiliation, not arrest. Police may arrest, but you walk out on bail.

- What fear does it answer? (s. 482(1) BNSS)
  - Order made before arrest (s. 482(1))
  - Release on bail if arrested (s. 482(1))
  - Only for non-bailable offences (Balchand Jain v. State of M.P.)
- Who can I go to? (s. 482(1) BNSS)
  - Court of Session or High Court (s. 482(1))
  - Some High Courts want Sessions first (s. 482(1))
  - Refused? High Court may still hear (Usmanbhai Dawoodbhai Memon v. State of Gujarat)
- Do I need an FIR? (Gurbaksh Singh Sibbia v. State of Punjab)
  - **No FIR needed** (Sibbia)
  - Bare fear is not enough (s. 482(1))
  - Must show specific facts (s. 482(1))
  - Not after actual arrest (s. 482(3))
- What will the court ask of me? (s. 482(2) BNSS)
  - Join police questioning when asked (s. 482(2)(i))
  - No threats or inducements to witnesses (s. 482(2)(ii))
  - Do not leave India without permission (s. 482(2)(iii))
  - Ordinary bail conditions also allowed (s. 482(2)(iv), s. 480(3))
- What happens when police arrest? (s. 482(3) BNSS)
  - Ready to give bail: released (s. 482(3))
  - Magistrate warrant must be bailable (s. 482(3))
  - Protects only the named accusation (s. 482(1))
  - Police can still arrest (D.K. Ganesh Babu v. P.T. Manokaran)
- When can't I get it? (s. 482(4) BNSS)
  - Not for two rape offences (s. 482(4); ss. 65, 70(2) BNS)
  - No blanket orders for any offence (Sibbia)
  - Cautious in grave cases (Jai Prakash Singh v. State of Bihar)
  - Barred under SC/ST Atrocities Act (s. 18, SC/ST Act 1989)
- Regular bail vs anticipatory bail (ss. 480, 482 BNSS)
  - Regular: person already arrested (s. 480)
  - Anticipatory: person still free (s. 482(1))
  - Regular: after custody begins (s. 480)
  - Anticipatory: at moment of arrest (s. 482(3))
- How long does it last? (Sibbia)
  - Normally not limited in time (Sibbia)
  - Cancellable by High Court or Session (s. 483(3))
  - Appeal to Supreme Court by leave (State v. Sanjay Gandhi)

Anticipatory bail under Section 482 BNSS is an order made before arrest, directing that if the person is later arrested on a named non-bailable accusation, he is released on bail. The High Court or Court of Session can grant it, and no FIR is needed, though the applicant must show concrete facts. The court may impose conditions such as joining questioning, not influencing witnesses and not leaving India. It takes effect only at the moment of arrest and does not stop the police from arresting. It is excluded for the two rape offences in Section 482(4), and courts are cautious in grave cases.

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