Hypothesis of the study

1) Stages of bail
The courts have lowered the human dignity by making it an unwritten rule that bails must be refused as far as possible. The police demands PCR and subjects the accused to third degree methods. Most inhuman treatment is given to the accused in police custody. By making bail scarce and rare courts have given rise to bail industry. The bail has become a big. Industry giving employment to lawyers, touts, bail bondsmen, typists, photo-copists, photographers and, factotums are wandering in the court premises. Corruption in bail related matters is huge and nationwide. The turnover of bail industry annually must be around ten thousand crore rupees according to an estimate. The courts in India are judge-centric and state-centric. The bail is rejected as a rule and granted as an exception to the rule. The maxim “bail is rule and jail is exception “is a myth. In reality the maxim has been reversed. The Judicial Magistrates in India as a general practice grant PCR on demand of police. After a spell of PCR, MCR is granted. Thus the road to freedom has three stages. The 1) Police CR 2) MCR and 3) Bail.

2) Contagiousness
The accused person is given to police and then given MCR or magisterial remand in which the accused who may be an educated cultured person wrongly arrested, is housed along with hardened criminals in the prison since there are no bail hostels in India which exist in United Kingdom. Pay for legal counsel to advise them on bail matters or to furnish the bail amount itself

3) Custodial deaths
Many accused person die in police custody in insurgency prone areas and troubled areas infested with militants. In India such areas are North Eastern States of Assam, Meghalaya, Nagaland, Manipur, Tripura, Chhattisgarh, and Jharkhand. In Manipur and Kashmir Armed Forces Special Powers Act has played havoc. Civilians are taken in to custody and shot point blank. Women are taken in to custody and raped by officers and soldiers. Governor of Meghalaya RanjitShekharMooshahary expressed his displeasure over allowing application of AFSPA

4) Affront to the democratic principle of liberty
United Nations Declaration of Human Rights Article 11(1) proclaims everyone charged with a penal offence has the right to be presumed innocent until proved utility according to
law in a public trial at which he has had all the guarantees necessary for his defense.

It is clear that an unnecessarily prolonged detention in prison of under trials before being brought to trial is an affront to all civilized norms of human liberty and any meaningful concept of individual liberty which forms the bedrock of a civilized legal system must view critically the long periods of imprisonment before persons awaiting trial can receive the attention of the administration of justice. Thus the law of bails must have too much discretion in grant of bail and guidelines must exist. In GudikantiNarsimulu v. Public Prosecutor the Supreme Court, Coram V. R. Krishna Ayer J. observed that bail has to be granted following guidelines given by Supreme Court to prevent a miscarriage of justice and to give way to the humanization of criminal justice system and to sensitize the same to the needs of those who must otherwise be condemned to languish in prisons for no more fault other than their inability to pay for bail.

Armed Forces Special Powers Act 1958 Section 4 (c) allows arrest, without warrant of, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and the officer as low ranking as a Non-Commissioned may use such force as may be necessary to effect the arrest; Section 4(d) allows any noncommissioned officer to enter and search without warrant any premises to make any Arrest as aforesaid or to recover any person believed to be wrongfully restrained. Using these powers, Thangjam Manorama who was criminally trespassed she Was taken away under the pretext of arrest and interrogation and then was raped and thrown in to the streets dead. The image of Para Military force AssamRifles have taken a beating.