**LEGAL PROCESS FOR BAIL**

Bail laws in India are very complicated as the bail to any accused person is at the discretion of the court which considers the facts of the case, the conduct of the accused, the background of the accused, the law and several other factors.

In India bail process begins with the application of bail according to Form 45 of Criminal Procedure Code with the necessary compliance of procedure.

APPLICATION FOR BAIL

Bail application under Section 437 of the Code of Criminal Procedure is filed before the court of the concerned Magistrate first

* The bail application ought to be filed after the arrest of the accused by the police
* It can be filed by any close relative on behalf of the accused if the bail application is being moved when the accused is not before the Court.
* The bail application is also to be signed by the Counsel who is filing the bail either through his memo of appearance or power of attorney.
* No court fee is to be paid on the bail application when the accused is in custody.
* The details of the FIR, name of the accused, fathers name of the accused should be properly mentioned in the bail application so that the Jail authorities are able to identify him properly after the release order from the Court.

APPLICATION FOR ANTICIPATORY BAIL

The anticipatory bail under Section 438 of the Code of Criminal Procedure is filed before the Sessions Court at first.

* The anticipatory bail application is to be signed by the accused or the applicant of the bail.
* An affidavit in support of the anticipatory bail is also to be filed along with the main application.
* A readable copy of the FIR is also to be filed along with the application.
* All relevant documents are also to be filed along with the application by which the applicant is seeking bail from the court.
* Anticipatory bail application is also to be signed by the Counsel who is filing, either through his memo of appearance or power of attorney.
* The details of the FIR, name of the accused, fathers name of the accused should be properly mentioned in the application,so that the said contents are properly mentioned in the judicial records.

In Harendra Singh @ Harendra Bahadur Vs The State Of U.P. in Criminal Misc. Application No. 6478 of 2019 (Bail) delivered on July 8, 2019 by the Allahabad High Court, it has been held that plea for anticipatory bail is not maintainable before High Court without approaching Sessions Court unless there are special reasons.