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## Reforming Bail Jurisprudence: An Analysis of Recent Supreme Court Judgements

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*Anticipatory bail is one of the most important guarantees of personal liberty under Article 21 of the Indian Constitution, guaranteeing that persons are not arbitrarily arrested and imprisoned before trial. Despite the established constitutional framework, bail jurisprudence in India has long been plagued by uneven judicial interpretation, a dependence on procedural milestones, and informal practices that compromise the integrity of criminal adjudication. This article examines four significant Supreme Court decisions: *Sumit v State of Uttar Pradesh*<sup>1</sup>, *Balmukund Singh Gautam v State of Madhya Pradesh*,<sup>2</sup> *Gajanan Dattatray Gore v State of Maharashtra*<sup>3</sup> and *Prantik Kumar v State of Jharkhand*<sup>4</sup> had collectively reshaped the boundaries of judicial discretion in bail matters. The article begins by detailing the historical background and legislative framework that governs anticipatory bail, followed by a comprehensive case-by-case examination of each decision. It then conducts a comparative analysis of the opinions, determining their overall significance for bail jurisprudence. Finally, the article evaluates whether these improvements strike an adequate balance between protecting individual liberty and avoiding abuse of the bail system, suggesting that real adherence to Article 21 necessitates equitable judicial review of detention and release.*

**Keywords:** *anticipatory bail, judicial discretion, personal liberty, parity.*

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<sup>1</sup> *Sumit v State of Uttar Pradesh & Anr* 2026 INSC 145

<sup>2</sup> *Balmukund Singh Gautam v State of Madhya Pradesh & Anr* 2026 INSC 157

<sup>3</sup> *Gajanan Dattatray Gore v State of Maharashtra & Anr* 2025 INSC 913

<sup>4</sup> *Prantik Kumar & Anr v State of Jharkhand & Anr* (2026) LiveLaw SC 131

## INTRODUCTION

Bail jurisprudence safeguards personal liberty under Article 21<sup>5</sup> by ensuring no one stays in jail unnecessarily before conviction. Courts balance individual freedom against public safety. Since imprisonment before trial harms dignity and livelihood, bail acts as a vital shield, making 'bail, not jail' a core constitutional principle. Anticipatory bail is fundamentally defined as 'bail in anticipation of arrest,' and it serves as an important legal safeguard in criminal justice. Its fundamental relevance is to preserve individual liberty from arbitrary arrest for non-bailable offences, thus fulfilling a critical constitutional obligation.<sup>6</sup> The primary goal of this pre-arrest procedure is to avoid undue harassment and imprisonment of accused people before trial. While it is a discretionary power wielded by Sessions or High Courts, it must be given on the merits of the case rather than arbitrary procedural milestones.<sup>7</sup> Courts must consider the nature and gravity of the accusation, the character of the applicant, and the possibility that the offence will be repeated.<sup>8</sup> Significantly, the Supreme Court has stressed that such protection should not be restricted to a specific time period, but should normally extend to the accused until the trial concludes.<sup>9</sup> Furthermore, courts are barred from treating bail as a money recovery proceeding by requiring financial deposits or undertakings.<sup>10</sup> Finally, anticipatory bail serves as a safeguard against abuse of authority, ensuring that arrest does not become 'pre-trial punishment'.

This article analyses three significant judgments: *Sumit v State of Uttar Pradesh*,<sup>11</sup> *Prantik Kumar v State of Jharkhand*,<sup>12</sup> and *Balmukund Singh Gautam v State of Madhya Pradesh*.<sup>13</sup> These cases collectively clarify the boundaries of judicial discretion. In *Sumit v State of Uttar Pradesh*, the Supreme Court reiterated that protection should not be restricted to procedural milestones, such as the filing of a charge sheet, but should generally continue in favour of the accused until the trial comes to an end. *Prantik Kumar v State of Jharkhand* addresses the improper practice of making bail conditional upon financial deposits, emphasising that

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<sup>5</sup> Constitution of India 1950, art 21

<sup>6</sup> *Gurbaksh Singh Sibbia Etc v State of Punjab* (1980) 2 SCC 565

<sup>7</sup> *Siddharam Satlingappa Mhetre v State of Maharashtra & Ors* (2011) 1 SCC 694

<sup>8</sup> Code of Criminal Procedure 1973, s 438

<sup>9</sup> *Sushila Aggarwal & Ors v State (NCT of Delhi) & Anr* AIR 2020 SC 831

<sup>10</sup> *Gajanan Dattatray Gore v State of Maharashtra & Anr* 2025 INSC 913

<sup>11</sup> *Sumit v State of Uttar Pradesh & Anr* 2026 INSC 145

<sup>12</sup> *Prantik Kumar & Anr v State of Jharkhand & Anr* (2026) LiveLaw SC 131

<sup>13</sup> *Balmukund Singh Gautam v State of Madhya Pradesh & Anr* 2026 INSC 157

criminal courts must not function as ‘money recovery agents’ and cannot impose such conditions on accused persons. Finally, *Balmukund Singh Gautam v State of Madhya Pradesh* establishes that this relief is generally not available to absconders who evade justice or threaten witnesses, as granting it to such individuals would undermine the dignity of the court and incentivise the evasion of law.

The article evaluates how these rulings reshape the application of parity and judicial discretion in bail decisions by prohibiting bail conditional on financial deposits and extending protection until trial completion. Regarding parity, *Balmukund* clarifies that co-accused acquittals do not automatically benefit absconders. Collectively, they ensure bail decisions prioritise substantive merits over procedural milestones or monetary undertakings.

## **EVOLUTION OF ANTICIPATORY BAIL IN INDIA**

Before the Code of Criminal Procedure (CrPC) 1973, Indian law had no provision for anticipatory bail, and courts under the 1898 Code had no power to grant it. The 41st Law Commission Report (1969) recommended its introduction to prevent powerful and influential people from falsely implicating their rivals just to cause them embarrassment or put them behind bars for some time. This recommendation led to the enactment of Section 438 in the 1973 CrPC. The scope of this power was first clearly defined by the landmark judgment in *Gurbaksh Singh Sibbia (1980)*, where the Supreme Court held that Section 438 is a discretionary pre-arrest remedy and that courts should not burden it with extra restrictions that the legislature never intended to impose. However, later judgments, such as *Salauddin Abdulsamad Shaikh (1996)*, created confusion by suggesting that anticipatory bail should be granted only for a limited period of time. This conflict was finally put to rest in *Sushila Aggarwal v State (NCT of Delhi) (2020)*, where a Constitution Bench of the Supreme Court settled the law by ruling that protection under Section 438 should ordinarily not be restricted to a fixed time period and should generally continue until the end of the trial. This judgment reaffirmed the importance of personal liberty while making it clear that courts still

have the discretion to impose specific conditions depending on the facts and circumstances of each case.<sup>14</sup>

## LEGAL FRAMEWORK OF ANTICIPATORY BAIL

The Code of Criminal Procedure, 1973, governed the grant of bail to a person who apprehends, that is, reasonably fears, that they may be arrested for a non-bailable offence, allowing them to approach either the High Court or the Court of Session in advance for this protection. The court takes into account factors such as the nature and seriousness of the accusation, the person's prior criminal record, and the possibility of fleeing from justice. Conditions may also be imposed, such as availability for police interrogation, not tampering with witnesses, and not leaving the country without permission. If later arrested without a warrant, the person must be released on bail upon furnishing the required security. In cases involving serious accusations, the State government must be given at least seven days' notice before a final order is passed. The Bharatiya Nagarik Suraksha Sanhita (BNSS) now governs the same, with the court retaining the power to impose similar conditions. Notably, this protection is not available to those accused of grave sexual offences against minors under the Bharatiya Nyaya Sanhita. The BNSS modernises the process by permitting audio-video electronic means for communication and interrogations, and strengthens victim rights by making the informant's presence mandatory during bail hearings in serious sexual offence cases and requiring fifteen days' notice to the Public Prosecutor.

When deciding bail applications, courts are guided by several well-established judicial principles. The seriousness and gravity of the offence are primary considerations, as graver offences naturally attract greater scrutiny. Courts also assess whether there is a likelihood of the accused tampering with evidence or influencing witnesses, and whether there is a real possibility of the accused absconding or fleeing from justice. Another important principle is that of parity among co-accused, which means that if bail has been granted to one accused in the same case under similar circumstances, others in a comparable position may also be entitled to the same relief. However, in practice, these principles are not always applied with the care they deserve. Courts sometimes mechanically rely on parity without examining whether the circumstances of the co-accused are truly similar, leading to bail being granted

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<sup>14</sup> Malika Shah & Vaibhav Chadha, 'Evolution of law on anticipatory bail in India' (2021) 12(1) JANUS.NET e-journal of International Relations <<https://doi.org/10.26619/1647-7251.12.1.14>> accessed 05 March 2026

even in cases where it may not be appropriate. On the other hand, there is also the growing problem of accused persons misusing the bail system by evading investigation, failing to cooperate with authorities, or using their liberty to obstruct the course of justice.

## CASE ANALYSIS

### **Sumit v State of Uttar Pradesh focuses on the duration of Anticipatory Bail - <sup>15</sup>**

**Facts:** Sumit, the appellant, is the brother-in-law (devar) of a woman who died under strange circumstances just seven months after her marriage. Following her death, an FIR was filed alleging dowry death and cruelty under Sections 80(2) and 85 of the Bharatiya Nyaya Sanhita<sup>16</sup> (BNS) and the Dowry Prohibition Act. Sumit asked for anticipatory bail, claiming he was innocent, had no criminal record, and was nominated only because of his family ties. The Allahabad High Court granted him bail, but with a somewhat unusual condition: the protection would be restricted to the filing of the police chargesheet. When the chargesheet was filed, his protection was terminated, and the High Court denied his subsequent request for new bail.

**Issue:** The primary legal question is whether the protection granted by anticipatory bail should be limited to a set period or extended until the end of the trial, regardless of the filing of a chargesheet or the taking of cognisance.

**Court's Reasoning:** The Supreme Court determined that limiting anticipatory bail to the stage of investigation is untenable. Citing the Constitution Bench's decision in *Sushila Aggarwal*, the Court reasoned that such protection should not always be restricted to a specific time period and should generally last in favour of the accused indefinitely. The Court noted that if an accused is on anticipatory bail when a chargesheet is filed, it usually means they cooperated with the investigation and that custody interrogation was unnecessary. Furthermore, the Court emphasised that Section 170 of the Cr.P.C. (now BNS) does not require the detention of an accused while submitting a chargesheet if there is no reason to suspect they will flee. Instead of arbitrary expiry dates, risk management could involve enforcing criteria (such as non-tampering).

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<sup>15</sup> *Sumit v State of Uttar Pradesh & Anr* (2026) SCC OnLine SC 186

<sup>16</sup> Bharatiya Nagarik Suraksha Sanhita 2023, ss 80(2) and 85; Dowry Prohibition Act 1961

**Principle Laid Down:** The Court emphasised that once granted, anticipatory bail typically continues indefinitely and does not end simply because a chargesheet is filed or a summons is issued. The term of bail is a matter of court discretion and should last until the conclusion of the trial, unless extraordinary or unusual circumstances require a restriction.<sup>17</sup>

**Analysis:** The legal problem before Sumit was formally settled by the Constitution Bench in *Sushila Aggarwal* (2020), which held that anticipatory bail has no definite expiry date and can extend until the end of the trial. However, in practice, particularly in High Courts such as Allahabad, the old practice of mechanically limiting bail till 'filing of chargesheet' persisted, in breach of that legal precedent. *Sumit v State of Uttar Pradesh* was thus a reaffirmation and enforcement of *Sushila Aggarwal*, with the Supreme Court even directing that the judgment be placed before the Chief Justice of the Allahabad High Court and distributed to all benches.

### **Balmukund Singh Gautam v State of Madhya Pradesh - 18**

**Facts:** The case arose from a June 2017 incident involving political rivalry, where a group allegedly attacked a vehicle with firearms and stones, resulting in one death and multiple injuries. While fourteen people were identified in the FIR, the respondent accused fled the scene of the occurrence and remained a fugitive for about six and a half years. During this time, police began proclamation proceedings and offered incentives for his arrest. Furthermore, a separate FIR was registered against the defendants for allegedly threatening a critical witness to prevent him from contesting the bail applications. In 2023, the other co-accused were acquitted after the prosecution failed to prove they fired the deadly shots. Following the acquittal, the accused filed a third application for anticipatory bail, claiming parity. The High Court granted the relief, ordering that the trial court release him on bail the same day he surrendered.

**Issue:** The primary legal question was whether the High Court was right in giving anticipatory bail to an accused who had been absconding for six years. The Court expressly considered whether an absconding accused can claim parity with co-accused who have previously stood trial and been acquitted.

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<sup>17</sup> *Sumit v State of Uttar Pradesh & Anr* 2026 INSC 145

<sup>18</sup> *Balmukund Singh Gautam v State of Madhya Pradesh & Anr* (2026) SCC OnLine SC 205

**Court’s Reasoning:** The Supreme Court ruled that the accused's six-year evasion of the law was evidence of a purposeful refusal to cooperate with the investigation. It argued that the acquittal of the co-accused does not automatically benefit a fugitive because the prosecution is not required to submit evidence against an absconding person during the trial of others. The Court stated that the conclusions of a trial in which the accused did not participate are useless for bail purposes. Furthermore, giving such relief would establish a ‘bad precedent’ and encourage people to break the law with impunity while law-abiding citizens diligently attend trial.

**Principle Laid Down:** The Court held that an absconder is generally not eligible for anticipatory bail. Crucially, an absconding accused cannot use the acquittal of a co-accused as a significant circumstance or a basis for claiming parity.

**Analysis:** The legal status before Balmukund Singh Gautam had two loopholes. First, while *Lavesh v State (NCT of Delhi)*<sup>19</sup> established a strong presumption against granting anticipatory bail to absconders, it was not consistently applied; several High Courts continued to grant such relief by exploiting technical loopholes such as the lack of a formal proclamation order. Second, there was no binding Supreme Court decision stating that a co-accused's acquittal cannot be used as a ‘change in circumstance’ or ‘parity’ basis for an absconding accused's anticipatory bail plea. High Courts had been loosely implementing the parity principle, even in the case of absconders, depending on evidence obtained during co-accused trials. Balmukund filled both gaps by firmly holding that an absconder is generally ineligible for anticipatory bail, and that any trial court findings – favourable or otherwise – are completely irrelevant to his bail application because the prosecution was never required to present evidence against him in his absence. The Court did, however, make a small exception: if the court judges *prima facie* that no case is made out after reviewing the FIR and case diary, anticipatory relief may still be granted, ensuring that the rule does not apply in every case.

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<sup>19</sup> *Lavesh v State (NCT of Delhi)* (2012) 8 SCC 730

**Gajanan Dattatray Gore v State of Maharashtra<sup>20</sup> and Prantik Kumar v State of Jharkhand<sup>21</sup>** collectively establish that bail is a matter of judicial discretion based on the merits of a criminal case, not a tool for financial settlement.

**Facts of the Cases:** In *Gajanan Dattatray Gore*, the appellant was detained for allegedly siphoning ₹1.66 crores from their employer. To gain regular bail, he voluntarily filed an affidavit-cum-undertaking to deposit ₹25 lakhs to demonstrate his 'bona fides'. The High Court granted bail based on this payment, but when the appellant failed to pay, it revoked his release. In *Prantik Kumar*, the facts revolve around a business dispute in which the petitioners (a father and son) were accused of cheating over unpaid craft paperwork. The complainant claimed there was an outstanding balance of ₹9,12,926.84. The Jharkhand High Court issued 'unusual' instructions, requiring the petitioners to provide a supplementary affidavit indicating they had paid the whole amount to the complainant as a condition of their anticipatory bail motion.

**The Central Issue:** The key issue in both cases was whether courts must independently analyse evidence and the gravity of claims before granting release, or if proceedings regarding bail might be treated as a means for money recovery. The courts had to decide whether granting or cancelling bail based only on financial deposits or undertakings constituted a legitimate use of judicial discretion.

**Court's Reasoning and Principles Laid Down:** The Supreme Court expressed significant opposition to courts functioning as 'money recovery agents,' stating that bail decisions must include clear reasoning based on the nature of the offence and the substantial facts on record, demonstrating true judicial application of mind. A bail plea must be determined simply on the merits. If a case can be made out, bail should be granted; otherwise, it should be denied regardless of any financial offer made by the accused. The Court issued a specific directive prohibiting Trial Courts and High Courts from granting bail based on an undertaking to deposit money, observing that such a practice constitutes an abuse of process, as litigants routinely offer monetary deposits to secure their liberty only to later challenge those very

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<sup>20</sup> *Gajanan Dattatray Gore v State of Maharashtra & Anr* 2025 INSC 913

<sup>21</sup> *Prantik Kumar & Anr v State of Jharkhand & Anr* (2026) LiveLaw SC 131

conditions as ‘onerous’ once they are released, conduct that undermines the court's dignity and integrity.

**Analysis:** Before *Gajanan Dattatray Gore v State of Maharashtra* and *Prantik Kumar v State of Jharkhand*, the Supreme Court made no clear bar on courts setting financial deposit conditions as a basis for granting bail. Trial and High Courts have established an informal but common practice of using bail hearings as a means of debt recovery, effectively exploiting an accused's desire for liberty to compel payment of disputed amounts to complainants. Bail orders frequently lacked a rational review of statutory concerns such as the gravity of the offence, flight risk, or possibility of tampering, and were instead reduced to negotiated cash settlements disguised as judicial orders. *Gore* served as a watershed moment, specifically outlawing this practice and establishing that bail must be set solely on merits and clear judicial reasoning, not on an accused's desire to pay money. *Prantik Kumar* then became a significant enforcement ruling, with the Supreme Court calling it ‘unfortunate’ that the Jharkhand High Court had openly ignored *Gore* by attempting to impose debt settlement through the bail procedure. Together, both of these cases establish a coherent and enforceable legal standard: bail is a fundamental safeguard of human liberty based on Article 21, not a transactional remedy that may be purchased or sold through the court process.

## COMPARATIVE ANALYSIS

**From Mechanical Parity to Contextual Evaluation:** Four recent decisions: *Balmukund Singh Gautam v State of Madhya Pradesh*, *Sumit v State of Uttar Pradesh*, *Gajanan Dattatray Gore*, and *Prantik Kumar* cumulatively undermine the assumption that parity is an inherent entitlement in bail procedures. In *Balmukund Singh Gautam*, the Supreme Court ruled that an accused who has been away for more than six years cannot claim parity with an acquitted co-accused since the prosecution has never had the opportunity to present evidence against the absconder. *Sumit* reversed the Allahabad High Court's blanket norm of revoking anticipatory bail upon the submission of a chargesheet, necessitating an individual evaluation. *Gore* and *Prantik Kumar* also showed that money deposits cannot replace merit-based assessment. Together, these cases require that parity and precedent lead to a careful examination of each accused's actions and circumstances.

**The Imperative of Reasoned Bail Orders:** The Supreme Court's emphasis on reasoned bail orders serves as a common thread throughout all four cases. In *Gore*, bail was given based on financial obligations, reducing legal orders to monetary settlements. In *Prantik Kumar*, the Jharkhand High Court publicly disregarded *Gore* by continuing to enforce debt-settlement requirements, which the Court deemed 'unfortunate.' In *Sumit*, mechanical time restrictions on anticipatory bail remained unexplained, compelling the Supreme Court to send its decision to all Allahabad High Court benches. The main flaw in *Balmukund Singh Gautam* was the High Court's inability to explain anticipatory relief for a long-term absconder. Reasoned orders are recognised as substantive protections against arbitrary liberty decisions, not procedural formalities.

**Conduct as a Decisive Factor:** The accused's conduct is perhaps the most important individual consideration in these choices. In *Balmukund Singh Gautam*, the accused was denied anticipatory release due to six years of evasion and suspected witness intimidation; the Court warned that giving it would encourage fugitives and establish a bad precedent. In *Sumit*, cooperation with investigators and the lack of a flight risk argued in favour of continuing protection. In *Gore* and *Prantik Kumar*, accused individuals who paid money for release and later challenged the same terms were viewed as compromising judicial credibility. The constant message is that an accused's actions directly influence the remedies they can legally seek.

**Liberty, Discretion, and their Limits:** All four scenarios address the contradiction between Article 21's guarantee of personal liberty and the State's investigative interests. *Sumit* protects liberty by rejecting arbitrary bail schedules in cases where cooperation is evident. *Balmukund Singh Gautam* confines it to cases in which the prosecution's case was jeopardised by deliberate absence. *Gore* and *Prantik Kumar* agree that liberty is vital but cannot be bought. All four opinions are based on a reaffirmation of organised judicial discretion, reasoned, personalised, and devoid of mechanical or transactional effects. Discretion must act as a protection for liberty and a deterrent to misuse, not a rubber stamp for convenience.

## IMPLICATIONS FOR BAIL JURISPRUDENCE

**Guidance for Trial and High Courts:** The three rulings serve as a correction manual for bail jurisdiction across the judicial hierarchy. In *Sumit v State of Uttar Pradesh*, the Supreme Court went beyond deciding the individual case by directing that its judgment be circulated to all Allahabad High Court benches, signalling that it was addressing a systemic problem, not merely a single erroneous order. The automatic termination of anticipatory bail upon chargesheet filing, practised in defiance of the Constitution Bench's ruling in *Sushila Aggarwal*, was squarely targeted. The instruction is clear: anticipatory bail should continue presumptively until the trial's conclusion, and any restriction requires reasoned justification. *Gore and Prantik Kumar* direct courts to evaluate bail in economic offence cases using traditional statutory criteria, such as the seriousness of the offense, flight risk, and tampering danger, rather than the accused's financial capacity. Prantik Kumar's characterisation of the Jharkhand High Court's defiance of *Gore* as 'unfortunate' is a pointed reminder that High Courts cannot develop informal norms that contradict binding Supreme Court precedent. *Balmukund Singh Gautam* gives specific guidance on bail applications by absconders: prolonged evasion must be treated as a substantive disqualification, not a neutral background fact, and acquittals of co-accused during an absconder's absence carry no evidentiary weight. A narrow exception where the FIR and case diary prima facie disclose no case provides a structured analytical framework without imposing a blanket prohibition.

**Preventing Misuse of Parity Arguments:** Each ruling addresses a distinct form of parity abuse. *Balmukund Singh Gautam* tackles the most egregious: using a co-accused's acquittal to justify anticipatory bail for a long-term fugitive. The Court's reasoning is precise: parity requires comparability. An absconder and a co-accused who stood trial are not interchangeable; the prosecution was never tested against the absconder, so he cannot benefit from a verdict that never engaged with his culpability. Permitting this would incentivise absconding as a litigation strategy. In *Sumit*, the misuse is subtler: treating chargesheet filing as an event that automatically worsens an accused's legal position. The Court's reaffirmation of *Sushila Aggarwal* forecloses this by establishing that a cooperating accused's entitlement to protection does not diminish at the inquiry-to-trial transition. *Gore and Prantik Kumar* address informal parity claims in economic offence cases, where accused persons argue that others in similar cases received bail upon depositing money. By prohibiting financial deposit

conditions, the Court ensures this informal practice cannot harden into a parallel standard that bypasses proper judicial scrutiny.

**Improved Consistency in Bail Decisions:** These rulings collectively move bail jurisprudence toward greater consistency. Sumit's institutional dissemination mechanism addresses the gap between Supreme Court doctrine and High Court practice. Gore and Prantik Kumar establish that recorded, transparent reasoning enables meaningful appellate review and builds a body of comparable precedent. Balmukund Singh Gautam contributes a strong default rule that absconders are ordinarily ineligible for anticipatory bail with a carefully limited exception, giving subordinate courts a predictable framework for the majority of cases. Together, these decisions transform bail from an area of largely unreviewable discretion into one governed by identifiable principles, mandatory reasoning, and institutional accountability.

## CRITICAL EVALUATION

**Extraordinary Caution and the Risk of Delay in Bail:** While the three rulings increase the quality and integrity of bail adjudication, they also include an inherent contradiction that should be acknowledged. The emphasis on comprehensive court reasoning, the presumption against absconding accused, and the restriction on financial deposit requirements, while good in theory, may make securing bail more difficult and time-consuming, even for people with valid rights to liberty. Gore, Prantik Kumar, and Sumit's reasoning criterion has a double edge. Overburdened courts may provide formulaic reasoning that legally conforms but lacks actual content, or they may grow more hesitant to give bail at all, considering the necessity to justify a grant as a bigger institutional risk than justifying a denial. In either instance, the accused suffers whether via meaningless acquiescence or protracted incarceration. Balmukund Singh Gautam raises a relevant issue. Its high presumption against anticipatory relief for absconders, with only a small exception, may be difficult to implement in reality, given judges' limited records and prosecution-controlled case diaries. An accused who escaped for a brief period of time out of fear of custody torture may be refused relief because the standard fails to distinguish between determined fugitives and those who briefly absconded and now desire to cooperate.

**Stricter Scrutiny and the Erosion of Individual Liberty:** The larger constitutional problem is whether continuously increasing bail terms undermines the presumption of innocence that Article 21 is intended to preserve. Bail jurisprudence has always ruled that liberty is the norm and jail is the exception. While the limitation on financial deposit conditions is appropriate, it deprives accused individuals in economic offence situations where the border between civil and criminal culpability is already fuzzy of a practical instrument to show bona fides, perhaps leading to protracted pre-trial detention. More broadly, these judgments restrict the bail system. Their combined message to courts emphasises prudence when granting bail, but does not apply the same scrutiny to refusals. Courts must think carefully before granting bail, but there is no analogous mechanism to address chronic over-detention. This disparity risks converting reform into a systematic bias against liberty. A truly liberty-respecting jurisprudence must apply the same rigour to imprisonment as to release, ensuring that Article 21 remains a live promise rather than a nominal desire.

## CONCLUSION

The four judgments discussed in this article cumulatively mark a significant shift in anticipatory bail law in India. *Sumit v State of Uttar Pradesh* underscores that anticipatory bail protection must typically last until the end of the trial, decisively rectifying the popular but legally untenable practice of ending it at the chargesheet stage. *Balmukund Singh Gautam* demonstrates that absconders cannot utilise co-accused acquittals to claim parity because lengthy evasion is seen as a substantive disqualification rather than a neutral background fact. *Gajanan Dattatray Gore* and *Prantik Kumar* jointly forbid courts from acting as debt-recovery tribunals, stressing that bail judgments must be based on legislative merits rather than financial obligations.

Collectively, these opinions shift bail from an area of essentially unreviewable discretion to one guided by reasoned, individualised, and responsible judicial decision-making. However, a key conflict persists: by emphasising rigour in granting bail without exacting similar scrutiny on denials, these rulings risk unintentionally biasing the system against liberty. A jurisprudence that really values Article 21 must apply the same analytical criteria to both incarceration and release, ensuring that ‘bail, not jail’ remains a live constitutional concept rather than a hollow dream.