



Anticipatory bail is **not allowed** in certain **serious and sensitive offences**, as per the provisions of the **The Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS)** and various **judgments of Indian courts**. Here's a clear breakdown

OFFENCES WHERE ANTICIPATORY BAIL IS GENERALLY NOT GRANTED:

1. Offences punishable with death or life imprisonment, particularly:

- **Murder** (Section 103 BNSS)
- **Rape** (Section 63 BNSS, especially aggravated forms under Section 70(2), 65(2), etc.)
- **Terrorism-related offences** (under UAPA)
- **Offences under NDPS Act** involving commercial quantity

2. Offences under special Acts where anticipatory bail is barred, like:

- **SC/ST (Prevention of Atrocities) Act, 1989**

Section 18: Expressly bars anticipatory bail if a case is registered under this Act.

- **Protection of Children from Sexual Offences (POCSO) Act**

Courts are very reluctant to grant anticipatory bail in child sexual abuse cases.

- **Unlawful Activities (Prevention) Act (UAPA)**

Anticipatory bail is rarely granted due to national security implications.

- **Official Secrets Act**
- **Money Laundering cases** (under PMLA)
- **Dowry Death** (Section 304B IPC) — bail is restricted and often denied.
- **Arms Act** — in cases involving large or illegal arms.
- **NDPS Act** — where commercial quantity of drugs is involved (Section 37 restricts bail).

Judicial Discretion Applies in These Cases:

Although anticipatory bail is not **automatically barred**, courts may **refuse bail** in the following:

- **Cases involving serious economic offences or fraud**
- **Grave sexual offences or offences against women**
- **Cases involving organized crime or habitual offenders**

IMPORTANT CASE LAWS:

- **State of M.P. v. Ram Krishna Balothia (1995):** Supreme Court upheld the **bar on anticipatory bail** under SC/ST Act.
- **Gurbaksh Singh Sibbia v. State of Punjab (1980):** Laid down guiding principles on anticipatory bail — **no blanket ban**, but judicial caution must be used.
- **State of Maharashtra v. Vikram Anantrao Doshi (2014):** Bail denied in economic offence due to large public money involved.

Summary Table

Offence/Act	Anticipatory Bail Allowed?
Murder (IPC 302)	☐ Rarely

Offence/Act	Anticipatory Bail Allowed?
SC/ST Act	☐ Not Allowed (Sec. 18)
POCSO Act	☐ Rarely
UAPA	☐ Rarely/No
NDPS Act (commercial quantity)	☐ Not Allowed
Economic Offences (like PMLA)	☐ Very Difficult
Minor IPC Offences (bailable or minor non-bailable)	☐ Allowed with conditions

