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| Release of Accused on Bail in the Constitutional Context |
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| **Abstract** |
| Criminal prosecution is based on presumption of innocence of the accused. However if bail is refused to an accused, the effect is that Investigation, trial and punishment go on simultaneously. Thus an anomaly is created. Arrest and refusal of bail during the stage of investigation is necessary to assert the power of the state and also to assure the witnesses that the state is powerful enough to protect them. At the stage of trial the accused has the right to be defended by an Advocate of his choice. For this the accused has to pay his fees. To pay the fees to his Advocate the accused needs to earn, and to earn be needs to work. To work he needs to be freed from custody on bail. Thus two fundamental Rights come into picture, Article 19 (1) (g) and Article 22 (1) of the Constitution of India which entitles a citizen to work. Article 22 (1) of the constitution of India recognizes the right of an accused to be defended by an Advocate of his choice. If an accused is not released on bail his right under Article 22(1) of the Constitution of India becomes illusory. |
| **Keywords** |
| **Refusal of Bail, Constitution, Investigation, Right, Detention** |
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