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Supreme Court Directs High Courts to Consider Criminal History in Bail Decisions

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In a significant direction aimed at strengthening judicial transparency, the Supreme Court of India has ordered all High Courts to ensure that applicants seeking bail must disclose their full criminal history. The apex court emphasized that the failure to reveal such past records could result in a miscarriage of justice.

The ruling was issued during the hearing of a case involving a man who was granted bail by the Allahabad High Court despite having 21 previous criminal cases against him. A bench comprising Justices C T Ravikumar and Rajesh Bindal stated that the trial court had not been informed about the accused's prior criminal record, which led to the release.

“This is a serious lapse and cannot be overlooked. It is the duty of the accused to make a complete disclosure of their criminal background at the time of seeking bail,” the bench observed.

The court further directed all High Courts to implement a mechanism ensuring that any accused applying for bail must mandatorily disclose previous criminal antecedents. If such details are not submitted, it must be treated as concealment of facts, potentially impacting the outcome of the bail petition.

The Supreme Court also called upon judicial officers to act diligently in verifying the records of the accused. It noted that proper scrutiny of a suspect's background is essential to ensure that justice is not compromised by procedural oversight.

The case before the court involved an accused who allegedly participated in an incident that resulted in the death of a police constable. The accused was granted bail by the Allahabad High Court, but the apex court found the omission of the accused's criminal background during the bail process problematic.

The court highlighted that while granting bail is a judicial discretion, it must be exercised cautiously and in line with principles of natural justice. “A fair system cannot allow habitual offenders to exploit procedural gaps,” the court said in its order.

The Supreme Court's direction now sets a precedent that makes criminal background disclosure a binding requirement for bail, likely impacting future bail procedures across the country.