BLOGS

Passage-Based Questions on Criminal Law for CLAT PG

Adtiya Aryan · 18 Feb 2026

Section 438 (3) states that when a person is granted anticipatory bail, is later arrested without warrant by an officer in charge of a police station “on such accusation”, and is willing to give bail, “he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1)”.

The order granting anticipatory bail, is also- as noticed earlier, and in several previous decisions, a “direction” under this Section 438 “that in the event of such arrest” the applicant be released on bail. Therefore, when an accused in fact is granted bail, and the conditions outlined in Section 438 (2) are included as part of the direction “to release” him in the event of arrest, all the necessary conditions which he is obliged to follow exist. Section 438 (3) outlines the steps to be taken, in the event of arrest of one who has been granted relief under Section 438 (1).

In the event of non-compliance with any or all conditions, imposed by the court, the concerned agency or the police, a direction can be sought from the court under Section 439 (2).

Judgement Excerpt from Sushila Aggarwal .V. State (NCT of Delhi) (2020) 5 SCC 1

1. Which of the following judge was among the panel of judges who gave the judgment of Sushila Aggarwal .V. State (NCT of Delhi)?

a. Justice Arun Mishra
b. Justice Indira Banerjee
c. Justice Vineet Saran
d. All of the Above

2. How many judges did the panel of the Supreme Court comprised while delivering the judgement in the above mentioned case?

a. 5 Judge bench
b. 13 Judge bench

c. 7 Judge bench

d. 3 Judge bench

3. What was discussed in the above mentioned case?

a. Anticipatory bail can be granted without any time limit

b. Maintenance Issues

c. Death penalty was declared unconstitutional

d. None of the Above

4. Who gave a dissenting opinion in the above mentioned case?

a. Justice Arun Mishra

b. Justice Vineet Saran

c. No dissenting opinion was given in the above mentioned case

d. Justice Indira Banerjee

5. Which section of CrPC, 1973 deals with the concept of 'Anticipatory Bail'?

a. Section 437

b. Section 438

c. Section 439

d. Section 440

6. Which section of BNSS, 2023 deals with the concept of 'Anticipatory Bail'?

a. Section 480

b. Section 481

c. Section 482

d. Section 483

7. Which of the following is a type of bail in India?

a. Regular Bail

b. Interim Bail

c. Anticipatory Bail

d. All of the Above

8. Which law commission report of India dealt with the concept of Anticipatory Bail in India?

a. 40th Law Commission Report

b. 41st Law Commission Report

c. 42nd Law Commission Report

d. 43rd Law Commission Report

9. Which of the following cases stated that grant of anticipatory bail is a matter of right and it should not be delayed and is a matter of right under Article 21 of Constitution of India?

a. Sushila Aggarwal .V. NCT (State of Delhi)

b. Salauddin Abdulsamad Shaikh vs State of Maharashtra

c. SS Mhetre vs State of Maharashtra & Ors

d. Prathvi Raj Chauhan vs Union of India

10. Which of the following cases stated that anticipatory bail should be limited by time?

a. Sushila Aggarwal .V. NCT (State of Delhi)

b. Salauddin Abdulsamad Shaikh vs State of Maharashtra

c. SS Mhetre vs State of Maharashtra & Ors

d. Prathvi Raj Chauhan vs Union of India

11. Which section of CrPC, 1973 deals with bailable offenses?

a. Section 435

b. Section 434

c. Section 436

d. Section 437

12. Which section of BNSS, 2023 deals with bailable offenses?

a. Section 478

b. Section 477

c. Section 476

d. Section 475

13. Which section of CrPC, 1973 deals with Non- bailable offenses?

a. Section 435

b. Section 436

c. Section 434

d. Section 437

14. Which section of BNSS, 2023 deals with Non-bailable offenses?

a. Section 475

b. Section 480

c. Section 489

d. Section 486

15. Who can issue anticipatory bail in India?

a. Sessions Court

b. High Court

c. All of the Above

d. Supreme Court

Answers

1. Option d
2. Option a
3. Option a
4. Option c
5. Option b
6. Option c
7. Option d
8. Option b
9. Option b
10. Option c
11. Option c
12. Option a
13. Option d
14. Option b
15. Option c