BLOGS

Sample Legal Reasoning Questions for CLAT 2024

Ruchika Mohapatra · 25 Apr 2023

Read the passage below and answer the questions that follow.

Passage 1

The Supreme Court has criticized the practice of High Courts to grant anticipatory bail to the accused in criminal cases on the ground that no custodial interrogation is required. A Bench of Justice Surya Kant and Justice J. B. Pardiwala said there is a serious misconception that if no case for custodial interrogation is made out by the prosecution then that alone would be a good ground to grant anticipatory bail.

“In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail.

“Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail,” the Bench said.

There may be many cases in which the custodial interrogation of the accused may not be required but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail, it said.

The Supreme Court said the first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused.

“Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail,” the Bench said.

The Supreme Court's observations came while setting aside the anticipatory bail granted to a man accused under various sections of the Protection of Children from Sexual Offences Act, 2012 in the Wayanad district of Kerala. The Supreme Court said the observations of the High Court are totally unwarranted and had been made overlooking the specific allegations in the FIR.

"In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest as the Investigating Officer deserves a free hand to take the probe to its logical conclusion," the Supreme Court Bench said.

[Source: Custodial interrogation not needed cannot be sole ground to grant anticipatory bail, says Supreme Court; The Hindu]

1. A was detained by the police. Unless he is produced before a Magistrate, A cannot be detained by the police for more than__?

a. 72 hours
b. 24 hours
c. 36 hours
d. 48 hours

2. Which of the above statements is/are correct?

(i) Anticipatory Bail is issued only by the Sessions Court and High Court
(ii) Regular Bail is a direction given by the Court to release a person who is already under arrest and kept in police custody

a. (i) only
b. (ii) only
c. Both (i) and (ii)
d. Neither (i) nor (ii)

3. Provision for anticipatory bail is given under which of the following sections?

a. Section 434 of CrPC
b. Section438 of CrPC
c. Section 424 of CrPC
d. Section 414 of CrPC

4. Anticipatory Bail means bail _____

a. Before arrest

b. Before trial

c. Post arrest

d. Both (a) and (b)

5. Which of the following condition can be imposed by the Court while granting bail?

a. Surrendering the passport

b. Refraining from leaving the country

c. Reporting to the police station regularly

d. All of the above

Answers

1. a
2. c
3. b
4. a
5. d

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