

## **Sight translation - What considerations must be made in granting bail?**

In the situation of minor offences which are not punishable by imprisonment, the issuing of bail is often not necessary in most cases. Instead, a person will be issued with a notice to appear before the court.

For other criminal matters, there is still a presumption in favour of granting bail to an accused and the onus is on the police to demonstrate why bail should not be granted. However, crimes that are considered as serious criminal matters such as manslaughter, violent sexual offences and murder, the presumption of bail may not apply.

When a court is making a deliberation for granting bail, the following considerations may be taken into account:

- the seriousness of the offence
- the need for the accused to prepare a defence
- the severity of the punishment if the accused is found guilty
- how long the accused might be held in custody before their case can be heard
- any past instances where the accused has failed to appear before the court after the granting of bail
- the likelihood of the accused to re-offend while out on bail.

In making a decision on whether to grant bail – as well as the attaching of any conditions associated with the bail – the courts must balance the interests of the accused, and the protection of the community and the victim. Remember, there is no presumption in favour of granting bail to an accused charged with a serious criminal offence. Instead, the court will grant bail only as far as the law allows.

Bail, like any other facet of criminal law can be very complex. If you have any issues or questions regarding any aspect of criminal law, please seek help from a legal practitioner.