



# BAIL

## What is Bail?

"A recognizance or bond taken by a duly authorized person, to obtain the release of an accused person ensuring their appearance at the appointed place, date and time to answer the charge(s) laid against them".

What are the different types of Bail?

There are five types of Bail which an accused can be granted.

### **1) Own Bail**

The Accused is allowed to sign the Bail Bond on his own behalf.

### **2) Bail with a named surety**

The Magistrate allows and approves a named Bailor in court. This person must present his/her National Identification Card, Drivers Permit or Passport.

### **3) Bail with a surety to be approved by the Clerk of the Peace**

The Bailor must provide the following documents to the Court:

- i. A Certified Copy the Deed to be used.
- i. Most recent Land and Building Taxes Receipt.
- ii. Their Identification Card, Passport or Drivers' Permit.

## **4) Cash Bail**

In this instance, the Court allows a cash alternative as the surety. A certified cheque can also be made out to the Senior Magistrate of the relevant District Court, together with a valid form of identification.

## **5) Police Bail**

A Senior Police Officer decides that a person charged for a minor offence may be granted bail. This is usually done where a person is in custody during hours when the court is not sitting e.g. weekend and public holidays. The magistrate will regularize the bail once the person attends court.

### **The right for an accused who have been denied bail to apply before a Judge in Chamber:**

Where an Accused is refused bail, he/she will be remanded to prison until the next hearing. The Accused will be informed by the Court of their right to apply before a Judge in Chamber, and also given reason for the Court's refusal to grant bail.

## **THE BAIL PROCESS**

A bail request is submitted to a Justice of the Peace (JP) by relative or friend and the JP forwards request to our Warrants Department.

All warrants at the department pertaining to the inmate for bail are scrutinized to ensure that the inmate can be allowed bail.

The Supervisor verifies the identity of the inmate, checks the validity of the JP's documents to ensure that the bailing process can be facilitated and further checks the warrants to determine whether there are any conditions set out by the Court.

The inmate is asked to identify the person accompanying the JP to identify him.

The conditions of bail, if any, are pointed out to the Bailor. This could be done by asking the inmate to repeat his bail conditions so that all stakeholders are aware.

Documents, IDs etc. are returned to the relevant persons and the inmate is released from prison custody.