



**SYARIAH COURT
CRIMINAL PROCEDURE
ENACTMENT OF SELANGOR
2003.**

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- **RIGHT OF AN ARRESTED PERSON**
- **BAIL**

Right of arrested person

- Before trial-
- right to be presumed innocent- Al-asl baraatuzimmah
- **Let ten guilty men be acquitted than one innocent man be convicted.”**
- Right to be produced b4 judge without unnecessary delay- s 22

Cont...

- In the court-
- Right to bail- s185
- Right to defense be defended- s 96
- Right to meet face to face with witness and prosecutor- s96
- Right to know charge- s78-95
- Right to ask for postponement for the case. S 75
- Right to appeal.s 136

BAIL

- A delivery or a bailment of a person to his sureties upon their giving sufficient security for his appearance.
- A Bond is an instrument binding the person who executes it. It can be either :-
 - 1) Bond of good behavior
 - 2) Bond to appear in court on particular date set for trial.
 - 3) Bail bond binds the person who executes it to ensure the accused appears in ct to answer the charge against him.

Section 185

- When any person is arrested or detained without warrant by REO or PO and is prepared at any time while in the custody of such officer or at any stage of the proceedings b4 such ct to give bail, such person shall be released on bail by a REO or PO.

Section 186

- Amount of bond:-
- Circumstances of the case
- Being sufficient to secure the attendance
- Not excessive.
- Zulkifli B. Hj Hassan VS PP (1987) 2 MLJ 527.
- The appellant was charged under s 409 PC involving RM16.7M. The judge allowed him bail-RM1M+2 sureties. The court held that the requirements of bail are merely to secure the attendance of the accused and not intended to be punitive and excessive bail ought not to be required. RM1M bail in this case had the effect punishing the accused b4 he was guilty of the charges vs him. Reduce to RM200K with 2 sureties.