

WHAT YOU NEED TO KNOW ABOUT BAIL

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- > Who can be a Surety?
- > How does a Surety bail an accused person?
- > What if the accused person breaches the bail conditions?

and other information



WHAT YOU NEED TO KNOW ABOUT BAIL

What is Bail?

Bail is property pledged or deposited by an individual (**Surety**) as security that a person released from custody will return to a police station or the court on a specified date and time, until the conclusion of the case against the released person.

Two types of bail may be granted: (a) bail granted by a law enforcement agency (commonly called agency bail); and (b) bail granted by a court (commonly called court bail). A person may be granted agency bail after he is arrested by a law enforcement agency and before he is charged in court. Once he is charged in court and becomes an accused person (**Accused**), the court may extend the agency bail or revoke the agency bail and grant court bail instead.

What type of security may be furnished?

It depends on the order made by the Court.

The Court may order that the potential Surety provide security by pledging personal property (commonly called non-monetary bail or non-cash bail). The personal property must belong only to the potential Surety and be fully paid-up. Examples include jewellery, watches, furniture, electrical equipment, or other household items. The Court may require the potential Surety to provide evidence of the value of the personal property pledged.

The Court may also order the potential Surety to provide security in the form of cash or cash equivalents (commonly called monetary bail or cash bail). Cash may be paid to the Court by way of cash (up to S\$50,000), a cashier's order made payable to the "**REGISTRAR, STATE COURTS**", PayNow or NETS (through the potential Surety's own ATM card, subject to the daily limit of the account/ card). Payment may also be made by cash equivalents such as fixed deposits and savings accounts.

Who can be a Surety?

Any Singapore citizen or permanent resident (unless the Court specifies otherwise) above the age of 21 may be a Surety, provided he is not: (a) a bankrupt; (b) a co-accused in the same proceedings as the Accused; and (c) the subject of any other pending or ongoing criminal charges in the State Courts and the Supreme Court.

Even if an individual fulfils all of these conditions, he must still convince the Court that he can perform all of his duties as a Surety satisfactorily before his application to stand as a Surety will be approved.

Besides the bail sum, can the Court impose other conditions?

The following conditions shall apply when the Court grants bail, unless the Court specifies otherwise:

- > the Accused must surrender his travel document;
- > the Accused must surrender to custody, be available for investigations or attend court as required;
- > the Accused must not commit any offence while released on bail;
- > the Accused must not interfere with any witness or otherwise obstruct the course of justice, whether in relation to the Accused or in relation to any other person; and
- > the Accused must not leave Singapore without the permission of the Court.

Other commonly imposed conditions include:

- > the Accused must not contact the victim directly or indirectly;
- > the Accused must attend treatment sessions specified by the Court (pending the outcome of the case); and
- > the Accused is subject to electronic monitoring.

Where the Accused is a young offender (below 21 years old), the Court may impose the following conditions:

- > only the parent(s) or guardian(s) of the Accused may be the Surety;
- > the Accused must abide by a time curfew; and
- > the Accused must continue to attend school.

What if the Accused fails to attend court?

If the Accused is released on Bail and fails to attend court as required, and there is no reasonable excuse for his absence, the Court may issue a warrant of arrest against him.

At the same time, a notice will be sent to the Surety to attend a "Show Cause" hearing to explain to the Court why the full bail sum should not be forfeited. If the explanation by the Surety is inadequate and the Court is satisfied that the Surety had breached any of his duties, the Court may forfeit the whole or any part of the bail sum. In the event that the forfeited bail sum is not paid by the Surety, the Surety may be liable for imprisonment up to 12 months.

How does a Surety bail an Accused Person?

A potential Surety must make an application to become the Accused's Surety at the Bail Centre, located at Level 4 of the State Courts. The potential Surety must have the following documents with him when doing so:

- > his NRIC or passport;
- > the Accused's travel document, for instance, his passport (if this is a condition imposed by the Court when granting bail and has yet to be surrendered to the Court/ police); and
- > all supporting documentation required when the bail granted is in the nature of cash bail.

The Accused's bail will be processed in two stages:

- > In the first stage, an officer from the Bail Centre will interview and brief the potential Surety on the conditions of the Accused's bail and the duties of a Surety. The proposed Surety is required to satisfy the bail conditions at this stage.
- > In the second stage, the Magistrate will assess the potential Surety's suitability to stand as a Surety for the Accused. If the application is approved, the Accused will be released from custody. Otherwise, the Accused will remain in custody, until a suitable Surety is found.

A similar two-stage process will apply where an Accused is granted: (a) permission to travel out of Singapore and additional bail conditions are imposed; and (b) bail pending appeal.

Can a Surety be discharged before the case against the Accused Person is concluded?

The Surety may apply to discharge himself as a Surety at the Accused's next scheduled court hearing. Alternatively, if the Surety wishes to discharge himself before the Accused's next court hearing, he may write to the State Courts at [go.gov.sg/writetostatecourts](https://www.go.gov.sg/writetostatecourts) to request an earlier hearing date. An earlier date may be fixed, but this depends on the Court's availability.

The Surety must personally attend the court hearing with the Accused and apply to discharge himself as the Surety. He must ensure that the Accused is present when the application is made. His duties as a Surety will end once the Court allows his application to discharge himself as a Surety.

The Accused will then be called on to provide a replacement/ substitute Surety. The Accused will be committed to custody unless his proposed replacement/ substitute Surety's application to stand as his Surety is allowed.

How does the Accused who is on court bail make an application to leave Singapore?

The Accused who is on court bail cannot leave Singapore unless he has the Court's permission to do so. He may make the application to leave Singapore (commonly called an application to leave jurisdiction): through the Integrated Case Management System (ICMS) or at his next court hearing.

The Court will then consider the Accused's application. If the Court decides to hear the Accused's application, the Accused will be notified of the date and time he is to attend court to formally make the application before the Court.

Both the Surety and the Accused must attend court on this date. The Surety will be asked if he agrees to the Accused leaving Singapore on the specified dates (as the Surety will remain as the Accused's Surety while he is outside Singapore). The Prosecution will also be asked if it has any objections to the Accused's application to leave jurisdiction. The Court will decide if the Accused should be allowed to leave jurisdiction after hearing all parties.

How can the Surety obtain a refund of the bail sum when the case against the Accused is concluded?

Where the case against the Accused has concluded, the Surety need not do anything further for the refund of the bail sum to be processed. For cash bail, the monies will be refunded to the Surety's appointed bank account within 21 working days.

What are the operating hours of the Bail Centre?

Mondays to Thursdays

8.30 am – 1.00 pm (*last registration at 12.30 pm*)

2.00 pm – 6.00 pm (*last registration at 5.00 pm*)

Fridays

8.30 am – 1.00 pm (*last registration at 12.30 pm*)

2.00 pm – 5.30 pm (*last registration at 4.30 pm*)

Saturdays

8.30 am – 1.00 pm (*last registration at 12.00 pm*)

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All information is correct as of 1 November 2021.

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