



HOW TO GET BAIL? QUICK

Tim Van Rooyen

Bail, fast, professional, affordable

When can I be arrested?

A person may be arrested either on the strength of a warrant of arrest or when a police officer witnesses a person committing an offence or has probable cause to believe that a person was involved in the commission of a crime.

When approached by a police officer, one should remain calm. Do not flee or allow your first response to be an aggressive one. Offer your co-operation to the officer, do not resist arrest and never offer to pay a bribe. Should arrest be resisted, then reasonable force may be used by the officer to affect the arrest.

What are my rights when being arrested?

You have the right to be informed of the charges on which you are being arrested. Most importantly you have the right to remain silent, to be informed promptly of such right and the consequences of not remaining silent. Any information uttered or willingly given to an officer may be used against you in court.

You may not be compelled to make any confession or admission that could be used in evidence against you. A person further has the right to be brought before a court as soon as reasonably possible, but not later than 48 hours after the arrest. If the period of 48 hours expires outside ordinary court hours or on a day which is not an ordinary court day, the accused must be brought before a court not later than the end of the first following court day.

Once arrested you are required to tell the police your home address. A police officer may not request any further information from you including in respect of your activities or organizations you are involved with.

BAIL ALL YOU SHOULD KNOW

What are my rights upon detention?

After an arrest you will, more often than not, be detained at a police station. In detention you may be searched. You may however not be searched without your consent and a person of the same sex should conduct the search. The police have the right to take your fingerprints and take photographs.

You have the right to:

- Be informed promptly of the reason for being detained.
- The police must inform a detainee of these rights and when informed it must be in a language that the person can understand.
- Choose to, and consult with an attorney of his/her choice, and should such person not have the means to appoint an attorney of choice, to have a legal practitioner assigned by the state at the state's expense and to be promptly informed of such rights.
- Be contained in conditions that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.
- Communicate with, and be visited by, the person's spouse or partner, next of kin, chosen religious counselor, and chosen medical practitioner.
- Be presumed innocent until proven guilty.

Police bail and warning

For minor offences 'police bail' can be granted or the police may release you on a warning. In the case of police bail the investigating officer will propose an amount for bail and an agreement should then be reached on the amount of bail. After payment of this amount the arrested person may be released from custody. There should always be an officer on duty of sufficient rank to make the decision to grant or refuse police bail.

Tim van Rooyen & Associates

Committed to Helping Our Clients Succeed



Tim van Rooyen & Associates are based in Port Elizabeth in the Eastern Cape. A legal firm with attorneys that pride themselves in the success of their clients legal matters.

Tim van Rooyen & Associates has a strong focus on Criminal Defence, Corporate Law and Civil matters, with extensive knowledge in these legal fields and experts in litigation.

Tim van Rooyen & Associates

Our firm provides professional legal services in various areas of the Law:

Criminal litigation, Bail Applications

- Wills and estates, Deceased Estates
- Corporate and commercial law
- Consumer Protection Act
- Assault Claims
- Contract Law Disputes
- Commercial Leases
- Contracts
- Debt Collections, Debt consolidation
- Family Law
- Mediation