Form CP31

Federal Court (Criminal Proceedings) Rule 5.01

Federal Court of Australia Act 1976 section 58DA

Bail application

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for criminal appeal proceedings (Form CP3)]

To the Prosecutor

The Accused applies under section 58DA of the *Federal Court of Australia Act 1976* for bail.

The grounds of the application are set out in the accompanying affidavit as required by CP Rule 5.01(3).

The Court will hear this application at the time, date and place shown in the Notice of Filing and Hearing attached.[Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

Date: [eg 19 June 20..]

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| --- |
| Signed by [Name][Insert capacity eg Accused / Lawyer for the Accused] |

*Notes*

1. **Service:** A stamped copy of this application and the accompanying affidavit must be served on the prosecutor at least 2 days before the hearing of the application: (CP Rule 5.01(5)). See Part 7 of the CP Rules for rules about service.
2. **Accompanying affidavit:** A written bail application must be accompanied by an affidavit that complies with any practice note dealing with applications for bail: (CP Rule 5.01(3)).

If the Court has previously refused to grant bail to the accused for the offence, the affidavit must describe the material change of circumstances since the refusal: see section 58DA(2) of the *Federal Court of Australia Act 1976.*

Practice notes are available on the Federal Court’s website at http://www.fedcourt.gov.au.