Criminal Procedure Code, 1973 (2 of 1974), S. 441A, 445 – Bail bond – Surety – Stock sureties – Surety with fixed deposit or bank transfer or bank lien – Menace of securing sureties by payment and replacement with fixed deposit or electronic transfer, or bank lien would be in tune with the Legislative intention under Section 445 CrPC. *Held,* People have established a flourishing business of procuring sureties – Substituting surety with fixed deposit or bank transfer or bank lien is likely to address the corrupt system of unscrupulous stock sureties, throwing them out of highly questionable and unethical practices – The monetary bail has the edge over surety bonds, given unique identity details, electronic passports, face recognition gadgets, and GPS location – The technology has obsoleted the identification through sureties – Legislature was conscious of the menace of stock sureties, and probably to curb it, the Parliament, vide amendment of 2005, inserted S. 441-A CrPC, 1973 – In its farsightedness, the legislature kept provision for the situations when an accused does not find any surety or none is ready to stand surety for her, by incorporating S. 445 of CrPC, 1973 – If the legislative intention was only to use cash deposit, then using the word “money” was sufficient, and there was no requirement to use the word “Government promissory notes” – Thus, the words “Government promissory notes” denote something other than money because money is currency notes, and even its most expansive definition would again include currency notes – Therefore, in no case, the term money would exclude currency notes – So, what was the need for the legislature to use the term “Government promissory notes specifically” – A promissory note is a financial instrument wherein the drawer promises a definite sum of money to its drawee or the bearer, either on-demand or at a specified future date. It is something other than money, i.e., currency notes – Thus, the legislature never expressly stopped fixed deposits from being taken as a promise of appearance before the concerned Court – Country is moving from a cash-driven economy to a cashless economy. Thus, to ask an accused to handover a fixed deposit or make an electronic transfer, or bank lien would be in tune with the Legislative intention under Section 445 CrPC.

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