

CrPC S. 441A, 445 – Bail bond – Surety – Cash security – A reading of the entire chapter, which deals with the provisions relating to bail, does not say that when a person is released on bail, the Court can also insist upon him to give cash security. [*Afsar Khan v. State by Girinagar Police, Bangalore*, 1992 Cr.LJ 1676 (7)]

Court cannot demand a cash deposit as a condition of bail. [*Rajballam Singh v. Emperor*, AIR 1943 Patna 375].

The offer to make cash surety must come from the accused. [*Sagayam @ Devasagayam v. State*, 2017(3) MLJ (Cri) 134, Para 40]

If the accused wants to deposit any sum of money, it is open to the Court to accept the same. [*State of Mysore v. H Venkatarama Kotaiyah*, 1968 CrLJ 696]

The Magistrate is not bound to accept cash but may permit an accused person to deposit a sum of money. [*R. R. Chari v. Emperor*, 1948 AIR(All) 238]

Cash deposit instead of execution of a bond by the accused is an alternative system of granting bail and can be stated to be no less efficacious than granting bail of a certain amount with or without surety or sureties of the like amount. [*Gokul Das v. The State of Assam*, 1981 CrLJ 229, Para 14]

The cash deposit is equally efficacious as other systems because of Section 445 CrPC. [*Maha Ahmad Yusuf v. State of U.P.*, 2015 (5) R.C.R.(Criminal) 13]

This provision is meant to benefit the person who is required to execute a bond in a case where he may not be able to find a surety. [*Niamat Khan v. Crown*, 1949 LawSuit (Nag) 42, Para 4] – The foreign national accused who cannot furnish a local surety is not debarred from being admitted to bail. [*Shokhista v. State*, 2005 Law Suit (Del) 1316]

It is not the mandate of the Code that the Magistrate should insist on cash security additional to personal bond with or without sureties. [*Parades Patra v. State of Orissa*, 1994 (1) Crimes (HC) 109,].

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