

bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to jail.

STATE AMENDMENT

West Bengal

In section 444 of the Principal Act,—

(1) in sub-section (1) after the words “at any time”, the words, “on showing sufficient cause,” shall be inserted;

(2) after sub-section (1), the following sub-section shall be inserted:—

“(1A) On such application being made, the Magistrate may either hold an inquiry himself, or cause an inquiry to be made by a Magistrate subordinate to him, on the correctness of the reason shown, in the application to discharge the bond as stated in sub-section (1)”;

(3) for sub-section (2), the following sub-section shall be substituted:—

“(2) If the Magistrate is satisfied, on enquiry made under sub-section (1A), that all or any of the sureties applying for discharge may be discharged, he shall issue warrant of arrest directing that the person so released be brought before him.”

[Vide West Bengal Act 24 of 2003, s. 3.]

445. Deposit instead of recognizance.—When any person is required by any Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

STATE AMENDMENT

West Bengal

In section 445 of the principal Act,—

(a) the words “with or without sureties” shall be omitted; and

(b) for the word “permit”, the word “direct” shall be substituted.

[Vide West Bengal Act 24 of 2003, s. 4.]

446. Procedure when bond has been forfeited.—(1) Where a bond under this Code is for appearance, or for production of property, before a Court and it is proved to the satisfaction of that Court, or of any Court to which the case has subsequently been transferred, that the bond has been forfeited,

or where, in respect of any other bond under this Code, it is proved to the satisfaction of the Court by which the bond was taken, or of any Court to which the case has subsequently been transferred, or of the Court of any Magistrate of the first class, that the bond has been forfeited,

the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof or to show cause why it should not be paid.

Explanation.—A condition in a bond for appearance, or for production of property, before a Court shall be construed as including a condition for appearance, or as the case may be, for production of property, before any