

(2) The High Court or the Court of Session may direct that the bail required by a police officer or Magistrate be reduced.

441. Bond of accused and sureties.—(1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or Court, as the case may be.

(2) Where any condition is imposed for the release of any person on bail, the bond shall also contain that condition.

(3) If the case so requires, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

(4) For the purpose of determining whether the sureties are fit or sufficient, the Court may accept affidavits in proof of the facts contained therein relating to the sufficiency or fitness of the sureties, or, if it considers necessary, may either hold an enquiry itself or cause an inquiry to be made by a Magistrate subordinate to the Court, as to such sufficiency or fitness.

STATE AMENDMENT

Andhra Pradesh

Amendment of Section 441 Central Act 2 of 1974.—In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Principal Act) in section 441, in sub-section (1), the following words shall be added at the end, namely. —

“and for imposition of a fine not exceeding the amount prescribed in the surety bond, in case the surety fails to produce the accused on the date fixed by the court in grave/serious offences.”

[Vide Andhra Pradesh Act 17 of 2019, s. 2]

¹[**441A. Declaration by sureties.**—Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars.]

442. Discharge from custody.—(1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the orders shall release him.

(2) Nothing in this section, section 436 or section 437, shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

443. Power to order sufficient bail when that first taken is insufficient.—If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

444. Discharge of sureties.—(1) All or any sureties for the attendance and appearance of a person released on

1. Ins. by Act 25 of 2005, s. 39 (w.e.f. 23-6-2006).