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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 6008/2019**

UCHE KINGSLEY IBUDE Petitioner

Through **Ms. Sushma Sharma, Adv.**

versus

STATE Respondent

Through **Mr. Hirein Sharma, APP for State
Insp. Pankaj Malik, PS Lajpat Nagar
& Insp. Surender, DIU/NW**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **26.11.2019**

CRL.M.A. 41128/2019

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6008/2019

By way of the instant petition, the petitioner seeks permission to deposit cash in lieu of the surety by way of modification in the orders dated 30.09.2019 & 22.10.2019 which were passed in bail applications No.2288/2019 and 2677/2019 respectively in the present case.

This Court in various cases has already taken the view that if an accused is unable to furnish surety, then the accused is at liberty to deposit the amount in cash in lieu of surety bond.

Notice issued.

Learned APP accepts notice on behalf of the State and no objection.

The liability / responsibility of the surety is to produce the accused as and when required by the Court or the investigating agency and if the accused fails to appear before the Court or the investigating agency, the surety has to deposit the surety amount. Further, if the Court feels that the surety has played any dubious role in helping the accused to flee then the Court will issue production warrants against the accused and will forfeit the surety.

In the present case, the petitioner/accused is a foreign national and is not in a position to furnish surety for bail.

As per Section 445 Cr.P.C, if an accused is unable to execute a bond, with or without surety, then the Court may permit the accused to deposit a specified sum of money or furnish government promissory note of such amount as the Court may fix in lieu of executing a surety bond.

In these circumstances, I find that the present case is fit to grant the relief as sought and accordingly, modify the orders dated 30.09.2019 & 22.10.2019 to the extent that the petitioner/accused shall to deposit the sum of money in lieu of surety bond.

The petition stands dispose of in above terms.

Dasti, under signatures of the Court Master.

SURESH KUMAR KAIT, J

NOVEMBER 26, 2019

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