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Code of Criminal Procedure (Amendment) Act, 2005

Section 35 - Amendment of Section 436

In section 436 of the principal Act, in sub-section (1),--

(a) in the first proviso, for the words "may, instead of taking bail", the words "may, and shall, if such person is indigent and is unable to furnish surety, instead of taking bail" shall be substituted;

(b) after the first proviso, the following Explanation shall be inserted, namely:--

"Explanation.-- Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the Court to presume that he is an indigent person for the purposes of this proviso."
