

**Gobardhan Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/476915](http://sooperkanoon.com/476915)

**Court :** Allahabad

**Decided On :** Feb-27-1918

**Reported in :** 44Ind.Cas.969

**Judge :** Henry Richards, C.J.

**Appellant :** Gobardhan

**Respondent :** Emperor

**Judgement :**

Henry Richards, C.J.

1. In this matter it appears that Gobardhan was ordered to furnish security under Section 110. The order upon him was that he should give security himself in the sum of Rs. 200 and two approved sureties of Rs. 100 each. If he complied with the terms of this order he was entitled to be released. Gobardhan has presumably given his own bond for its. 200. He has produced two sureties who are ready to give security to the extent of Rs. 100 each. The Magistrate has declined to accept the sureties on two grounds, first, that the sureties reside in another Police station. Apparently they are not very far removed from the residence of the accused but they are not in the same Police district. The second ground is that they assisted Gobardhan in his defence. It seems to me that the second ground is no legitimate ground for refusing to accept the sureties. Presumably it will always be some friends of a person against whom proceedings have been taken under Section

110, who will give security for him. It is very unlikely that any complete outsider, who has no interest whatever in the person charged, will undertake the responsibility. As I said before, it must always be a friend who will undertake the responsibility. The mere fact that these sureties evidenced their friendship by helping in the defence seems to me to be no reason at all for refusing to accept them as sureties. The first ground is, as already stated, they reside in another Police district. The order simply required that the sureties should be ' approved sureties.' This I think to mean that they should be themselves persons of good character and solvent. I think, therefore, that both the grounds upon which the learned Magistrate refused to accept the sureties are not sufficient in law to justify his doing so. The matter will now go back to the Magistrate, who will deal with the matter having regard to what I have said above.

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