

THE SUPREME COURT OF THE MALAYAN UNION.

REGISTRAR'S CIRCULAR NO. 25/46

BAIL BONDS

After preliminary enquiry and committal to the Assizes, the accused in a recent case was released on bail by the committing Magistrate. The bail bond was so worded that the accused undertook to appear before the Magistrate's Court and not before the High Court. The accused failed to appear at the Assizes and the sureties to the Bond could not be held liable thereunder. In another case where the accused was committed for trial the Magistrate in taking the Bond from a witness made the relevant portion of the Bond (Cts 130) read "I A.B. of do hereby bind myself to attend at the Court of the Judge at Kuala Lumpur at the Assizes next ensuing, fixed to begin on a day to be notified later on next, or else whenever called upon to do so etc." The witness could not be served and there was nothing to make him liable on the Bond for nonattendance at the Assizes.

2. It is essential that greater attention be paid to the form and wording of such Bonds so that liability is not avoided by inaccurate or by indifferent completion of the Bond.

I am therefore to enjoin that District Judges and Magistrates should personally supervise the completion of all Bail Bonds and Bonds by witnesses to give evidence. (1)

Sd.

REGISTRAR.

The Registry,
Supreme Court,
Malayan Union.