

## CHAPTER IV

### BAIL SETTING AND THE ABILITY TO FIND SURETIES

Having decided to grant bail, a Court in fixing the amount of the bail must bear in mind that the object of bail is not to penalise the accused but merely to ensure his presence in Court. This aspect of bail has been emphasised in a number of cases.<sup>116</sup>

Indian writers on the law of bail, namely Soonavala and Aiyer and Mitter are of the view that the amount of security must be fixed with due regard to the means of the accused and the nature of the offence. It should not be excessive.

In setting the amount of bail, the nature and seriousness of the offence for which the accused is charged should be considered, but the other factors should not be ignored. The Court in Iqbal Singh v State<sup>117</sup> has held that in a case where the accused is charged with an offence under s.160 of the Indian Penal Code (which corresponds with s.160 of the Malaysian Penal Code) the maximum sentence for which

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<sup>116</sup>R v Rose (1898) 18 Cox 717 at p. 719  
R v Toynbee Hall Juvenile Court Justices (1939)  
3 All. E.R. p. 16  
Ex parte Muirhead (1942) 106 J.P. p. 4  
<sup>117</sup>Iqbal Singh v State A.I.R. (1960) Punj. 572

is one month's imprisonment or a fine of Rs.100, it is not necessary to fix the bail amount at anything like the sum of Rs.1000 or even Rs.500. In the event, the bail amount was reduced to Rs.100.

The position in life occupied by the person arrested was held to be a relevant consideration in fixing the amount of bail in In re Daulat Singh.<sup>118</sup>

In bailable offences where s.387 says that the accused shall be admitted to bail, it follows that the bail amount should not be fixed so high that he cannot find a surety for it.

The Code does not authorise a Magistrate to demand a cash deposit as a condition precedent to the release of an accused person on bail. The Magistrate may permit an accused to deposit a sum of money in lieu of executing a personal bond and giving surety of some person. But the Magistrate is not authorised to demand cash bail. Any such order is illegal.<sup>119</sup>

Section 403 of the Code is clearly intended for the benefit of the accused, that is, it permits him to deposit cash in lieu of executing a bond either with or without surety. A Magistrate cannot therefore utilise this section to insist on cash bail to the detriment of the accused person.

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<sup>118</sup>In re Daulat Singh 14 Allah. 45

<sup>119</sup>Abdul Ghani v Emperor 48 Cr. L.J. 773

## Nature of Bond

A bond is a document which imports a legally enforceable liability and no document which does not contain both a promise to performance and a legal responsibility for non-performance can be in law called a bond. Bonds executed under the Code for the performance of a promise necessarily includes a money penalty for the breach of such promise, payment of money being practically the only form of penalty which the law can conceivably enforce in such cases.

## Sureties

As regards sureties, it has been stated that it is the duty of the Court to accept them unless the Court is satisfied that they are not proper persons. They should not be rejected merely on a police report.<sup>120</sup>

Although a money qualification is envisaged by the law, it is the reliability of the surety as to his responsibility to ensure the attendance of the accused at the required time which is of the highest importance. Consequently to enable him to fulfil that responsibility, a surety is invested with powers to seize the accused person at any time or place.<sup>121</sup>

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<sup>120</sup>Gopi Khatik v Emperor A.I.R. 1922 Allah. 541

<sup>121</sup>see s.393 (iv) of the Criminal Procedure Code

## Bail Setting Practices In The Lower Courts

In the Subordinate Courts at Kuala Lumpur, the question of bail is usually resolved at the first court appearance when the accused is charged. Bail is set after the plea of the accused has been recorded. In 259 cases, the question of bail did not arise at all because these cases were disposed of at the first court appearance itself. Of the 2124 cases where bail was granted, in 19 cases bail was set at a subsequent date. In 10 cases where the Prosecuting Officer had objected to the grant of bail at the first court appearance, bail was set one week later.

The securing of bail is an unenviable task, especially if there is an objection from the Prosecuting Officer but the next stage of satisfying bail conditions may no less be fraught with hazards and obstruction. It is the achievement of the accused person's freedom after bail has been granted that this chapter is devoted.

When the first hurdle has been overcome, in that an accused has been told the terms on which bail will be granted, a common condition of his obtaining his liberty is that he should find sureties as to his compliance with the terms of the bond. The practice of the Subordinate Courts is for the President or Magistrate, as the case may be, to set bail at a fixed amount in one or more sureties. For bail amounts of \$1,000/- and above, some form of security from the

surety is required. This is usually provided for in the form of the registration cards of motor vehicles, land titles or the savings book of a bank account or postal savings account. Of the 922 persons who were remanded, either pending trial or sentence, 872 were kept in custody because of their inability to find sureties of the amount required for bail. A breakdown of this figure discloses that 236 persons were remanded pending trial and 636 persons were remanded pending sentence.

S.389 prohibits the setting of excessive<sup>bail</sup> Implicit in s.389 is that the bail amount should be sufficient to secure the attendance of the person arrested. An application to the High Court may be made to reduce the amount of bail set, if it is fixed too high. Courts should exercise their discretion when setting bail, but it should not be set so high as to be beyond the accused person's ability to find a surety for such a sum.

Table 4.1 provides an overview of the setting of bail by Magistrates and Presidents and the ability of the accused persons to find sureties of the amounts set according to offence classification. The amount of bail set by Presidents and Magistrates were found to be standardised according to the offence and its gravity. Very little attention is given to individual differences between accused persons. Tables 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 suggests that bail amounts are determined according to the

Table 4.1

**BAIL SETTING AND THE ABILITY TO FIND SURETIES OF  
DIFFERENT AMOUNTS ACCORDING TO CHARGE**

(The figures in parentheses indicate the number of persons who were able to find sureties)

Charges	Total No. of Cases in which Bail Set	Number of Cases in which Bail was set at Various Amounts (in ringgit)																	% Able To Find Sureties
		No Bail	50 and Under	100	200	250	300	400	500	700 to 900	1000	1500	2000	2500	3000	4000	5000	Over 5000	
Theft	745 (417)	3	3 (3)	22 (16)	37 (26)	4 (4)	230 (120)	1 (0)	293 (184)	25 (4)	114 (50)	1 (0)	12 (8)	0 (0)	1 (1)	0 (0)	0 (0)	2 (1)	56
Criminal Trespass	342 (161)	1	0 (0)	3 (2)	14 (9)	4 (2)	49 (28)	0 (0)	118 (39)	33 (11)	90 (56)	10 (4)	9 (5)	2 (0)	5 (4)	2 (0)	2 (0)	1 (1)	47
Receiving Stolen Property	32 (24)	0	0 (0)	0 (0)	0 (0)	0 (0)	1 (1)	1 (1)	16 (10)	2 (1)	10 (9)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	75
Extortion	96 (50)	0	0 (0)	0 (0)	0 (0)	3 (1)	4 (1)	0 (0)	37 (22)	15 (11)	35 (14)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	52
Criminal Breach of Trust	32 (29)	0	0 (0)	0 (0)	0 (0)	0 (0)	1 (1)	0 (0)	8 (7)	1 (1)	10 (8)	1 (1)	2 (2)	1 (1)	0 (0)	1 (1)	7 (7)	0 (0)	90.6
Robbery	143 (77)	3	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	18 (13)	2 (1)	41 (23)	24 (12)	36 (20)	1 (1)	8 (2)	4 (3)	8 (2)	0 (0)	53.8
Cheating	69 (48)	3	0 (0)	0 (0)	0 (0)	0 (0)	2 (2)	0 (0)	7 (4)	2 (1)	30 (18)	8 (5)	16 (15)	0 (0)	1 (0)	0 (0)	2 (2)	3 (1)	69.6
Criminal Force and Assault	33 (27)	0	0 (0)	0 (0)	0 (0)	0 (0)	4 (3)	0 (0)	23 (19)	2 (2)	4 (3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	81.8
Hurt	63 (51)	0	0 (0)	1 (1)	0 (0)	0 (0)	10 (8)	0 (0)	29 (23)	6 (5)	14 (11)	0 (0)	3 (3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	81
Forgery	25 (21)	0	0 (0)	0 (0)	0 (0)	0 (0)	4 (3)	0 (0)	15 (13)	0 (0)	5 (4)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	84
Offences under Dangerous Drugs Ordinance	349 (191)	0	0 (0)	1 (1)	7 (7)	0 (0)	25 (17)	0 (0)	222 (122)	10 (6)	48 (26)	3 (2)	19 (6)	0 (0)	11 (4)	0 (0)	2 (0)	1 (0)	54.7
Corrosive and Explosive Substances and Offensive Weapons Ordinance	39 (21)	0	0 (0)	0 (0)	1 (1)	0 (0)	2 (1)	0 (0)	33 (16)	0 (0)	2 (2)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	53.8
Revenue Cases	38 (38)	0	1 (1)	4 (4)	0	0	8 (8)	0	12 (12)	2 (2)	2 (2)	0	0	0	0	2 (2)	4 (4)	3 (3)	100
Corruption	19 (16)	0					1 (1)	0	4 (3)	0	7 (6)	4 (3)	1 (1)	0	2 (2)	0	1 (1)		84.2
Other Offences	99 (79)	12		3 (3)	2 (2)	0	25 (15)	0 (0)	51 (43)	6 (5)	9 (6)	0	4 (3)				2 (2)		79.8
	2124 (1250)	50																	58.9

nature and gravity of the offence.

For the offence of drug possession, where the quantity discovered indicated that it was for the offender's own consumption bail was set at \$500/= in one surety in 88 per cent of the 217 cases. This is brought out by Tables 4.2, 4.3 and 4.4

Table 4.2

Bail Amounts For The Offence of Possession of Heroin under s.12(3) of the Dangerous Drugs Ord. where the quantity is less than 5 tubes or less than one gramme. (percentages given in parentheses)

<u>Bail Amounts</u> <u>(in ringgit)</u>	<u>No. of Cases</u> <u>where bail set</u>
300	7 (5)
500	135 (87)
700 - 900	2 (1)
1000	9 (6)
1500	0 (0)
2000	2 (1)
	<u>155</u>
	Total: <u>155</u>

Out of the total of 155 cases falling under s.12 (3) of the Dangerous Drugs Ord, 135 or 87 per cent of the accused persons had bail set at \$500/=.

Thirty seven persons were charged with the offence of possession of heroin under s.6(3) of the Dangerous Drugs Regulations. The quantities involved were less than 5 tubes or less than one gram. In this group of offenders, 34 or 92 per cent had bail set at \$500/=. This is indicated by Table 4.3

Table 4.3

Bail Amounts For the Offence of Possession of Heroin Under S.6 (3) D.D.R. where the quantities involved were less than 5 tubes or less than one gram. (percentages given in parentheses)

<u>Bail Amounts (in ringgit)</u>	<u>No. of Cases Where Bail Set</u>
300	2 (5)
500	34 (92)
700 - 900	0
1000	1 (3)
1500	0
2000	0
Total:	<u>37</u>

Similar findings were recorded in respect of cases under s.6 of the D.D.O., that is, the offence of unlawful possession of cannabis. In all, 25 persons were charged with this offence. Out of these 21 or 84 per cent of them had bail set at the convenient figure of \$500/=.

Table 4.4

Bail Amounts For The Offence of Possession of Cannabis where the quantity is 5 rolls or less (percentages given in parentheses)

<u>Bail Amounts (in ringgit)</u>	<u>No. of Cases Where Bail Set</u>
300	2 (8)
500	21 (84)
700 - 900	0
1000	2 (8)
2000	0
Total:	<u>25</u>



Where the quantity of drugs found in the possession of the offender suggested that it was otherwise than for his own consumption, the practice was to set bail at a figure higher than \$500/=. This usually occurs in cases where the quantity was 5 tubes or more or more than one gramme of heroin. For the possession of cannabis, the cut-off figure was 5 rolls or more. This is shown by Table 4.5

Table 4.5

Bail Amounts For the Offence of Possession of Heroin and Cannabis where the quantities exceeded one gramme or 5 tubes or 5 rolls respectively (percentages given in parentheses)

<u>Bail Amounts (in ringgit)</u>	<u>No. of Cases Where Bail Set*</u>
300	1 (1)
500	21 (30)
700 - 900	5 (7)
1000	28 (40)
1500	3 (4)
2000	13 (18)
Total:	<u>71</u>

It is clear from Table 4.5 that where the quantity of drugs involved was above the amount required for the offender's own consumption, 49 persons or 69 per cent had bail set at a figure above \$500/=.

\* Bail at \$3000/= in one surety was set in seven cases, two at \$5000/= and one above \$5000/=.

The findings as revealed by Tables 4.2, 4.3, 4.4 and 4.5 indicate that the primary criterion is the gravity of the offence. It also indicates that bail amounts in respect of these offences are to a certain extent standardised. Standardisation of bail amounts may in part be due to the pressure of work on the Courts which is caused by crowded court calendars. Another reason is that very often Magistrates or Presidents are without any information, except the charge sheet, which can guide them in setting a proper bail amount.

The findings above are further confirmed when an examination is made of the cases concerning the unlawful possession of offensive weapons. Tables 4.6 and 4.7 indicate that bail amounts for this offence were often determined according to the number of such weapons being found in the offender's possession.

Bail at \$500/= was set in 94 per cent of the cases where only one piece of weapon was found on the accused. This can be seen from Table 4.6

Where more than one piece of offensive weapon was found in the possession of the accused, bail was set at the figure of \$1,000 in 92 per cent of the cases. Table 4.7 illustrates this trend.

Table 4.6

Bail Amounts For The Possession  
Of One Piece Of Offensive Weapon  
(percentages given in parenthesis)

<u>Bail Amounts (in ringgit)</u>	<u>No. of Cases Where Bail Set</u>
300	2 (6)
500	33 (94)
700 - 900	0
1000	0
1500	0
2000	0
Total:	<u>35</u>

Table 4.7

Bail Amounts Where More Than One  
Piece Of Offensive Weapon Is  
Involved (percentages given in  
parentheses)

<u>Bail Amounts (in ringgit)</u>	<u>No. of Cases Where Bail Set</u>
300	0
500	0
700 - 900	0
1000	11(92)
1500	1( 8)
2000	0
Total:	<u>12</u>

From Table 4.8, the relationship between the gravity of the offence and the bail amount is brought out more clearly. For the offence of theft, the paramount consideration in setting the bail amount seems to be the value of the property involved. Where the value of the property involved was high, bail at higher amounts were set. It has been observed by Titus Fewry, Q.C.<sup>122</sup> that in Sierra Leone, in cases where a specific amount is involved or the value of goods ascertained, the bail amount set is about one and a half times the amount or value of the goods involved.

#### Bail Amount And Charge

A comparison of the bail amounts for the offences of theft, robbery and criminal force and assault reveals that the offence for which an accused is charged determines the amount of bail set. Table 4.9 suggests this relationship between offence and bail amount.

The table shows that for charges of theft and criminal force and assault, bail of below \$1,000 was set in over 80 per cent of the cases. In contrast, for the offence of robbery, bail of below \$1,000 was set in only 14.7 per cent of the cases.

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<sup>122</sup>Franck Comparative Constitutional Process: cases and materials p. 261

Table 4.8

Bail Amounts For The Offence  
of Theft According to the Value  
of the Property Involved

Value of Property Involved	100	200	300	500	700 to 900	1000	2000
\$30 and less	16	25	131	86	2	7	0
\$31 - \$51	0	3	45	37	0	1	0
\$51 - \$100	1	1	40	53	4	12	0
\$101 - \$300	1	6	14	58	4	16	0
\$301 - \$500	0	0	5	14	6	11	0
\$501 - \$1000	0	0	2	20	2	12	0
\$1001 - \$3000	0	0	0	3	2	26	4
Over \$3000	0	0	0	8	0	13	4

Table 4.9

Bail Amounts By Charge

<u>Bail Amounts</u>	<u>Theft</u>	<u>Robbery</u>	<u>Criminal Force and Assault</u>
Under \$1000	82.6%	14.7%	87.9%
\$1000 - \$2500	17.0%	71.3%	12.1%
\$3000 and above	0.4%	14.0%	0

The bail set in over 70% of the robbery cases was between \$1000 - \$2500/=. For bail amounts of \$3000 and above, bail was set in 14% of the robbery cases, in contrast to 0.4% and 0% for the offences of theft and criminal force and assault respectively.

From Table 4.1, it may be possible to provide an idea of the median<sup>123</sup> amount of bail set for each of the offences examined. This is done in Table 4.10

The Ability To Find Sureties

Bail was set in the cases of 2124 persons. However only 1250 persons or 58.9 per cent were able to find sureties of the various amounts. This is shown in Table 4.11

Table 4.10

Median Amount of Bail  
Set For All Offences

<u>OFFENCE</u>	<u>AMOUNTS (IN RINGGIT)</u>
Theft	500
Criminal Trespass	700-900
Receiving Stolen Property	700-900
Extortion	700-900
Criminal Breach of Trust	1000
Robbery	1500
Cheating	1500
Criminal Force & Assault	500
Hurt	500
Forgery	500
Offences against the D.D.O.	500
S.6(1) of the Offensive Weapons Ord.	500
Revenue Cases	500
Corruption	1000

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<sup>123</sup>The median is a measure of central tendency. It is a value which has as many cases below it as there are above.

Table 4.11

Percentage Of Defendants  
Posting Bail By Amounts

<u>Bail Amounts (in ringgit)</u>	<u>Number of Cases Bail Set</u>	<u>Percentage Able To Find Surety</u>
100	34	79.4
200	62	75.4
300	367	56.8
500	887	61.2
700 - 900	104	46.2
1000	421	55.0
1500	52	50.0
2000	106	61.3
3000	27	44.4
5000	25	68.0
Total :	2085*	58.7

\* This figure does not include the 11 cases where bail at \$250 was set, 9 cases of \$4000 bail, 5 for \$6000 bail, 4 bails of \$2500, 3 each for \$30, \$10,000 and \$50,000, 2 for \$400 and 1 each for \$50 and \$100,000 .

When the ability to find sureties is looked at in relation to the plea of the accused, it will be seen that at all amounts of bail, an accused who had pleaded guilty was less likely to be able to find a surety of the amount fixed by the

Court for his liberty pending sentence. Of the 872 persons remanded in custody, accused persons who had pleaded guilty accounted for 636 of them.

As regards accused persons who had claimed trial, they were in a better position vis-a-vis those who had pleaded guilty to provide sureties for the bail amounts set. This is suggested by Tables 4.12A and B.

Table 4.12A

Percentage of Accused Persons  
Who Plead Guilty Finding  
Sureties By Bail Amounts

<u>Bail Amounts (in ringgit)</u>	<u>Number of Cases in Which bail was set</u>	<u>Percentage Able To Find Sureties</u>
100	23	78.3
200	45	73.3
300	293	52.6
500	567	52.7
700 - 900	56	21.4
1000	193	39.4
1500	15	26.7
2000	39	48.7
3000	12	25
5000	<u>7</u>	<u>42.9</u>
Total:	1250	49.6



Table 4.12B

Percentage of Accused Persons  
Who Claimed Trial Finding  
Sureties By Bail Amounts

<u>Bail Amounts (in ringgit)</u>	<u>Number of Cases in Which bail was set</u>	<u>Percentage Able To Find Sureties</u>
100	11	81.8
200	16	81.3
300	73	74
500	319	76.5
700 - 900	48	75
1000	228	68.4
1500	37	59.5
2000	67	68.7
3000	15	60
5000	18	77.8
Total :	<u>832</u>	<u>72.5</u>

Table 4.13 shows the ability to find sureties for all categories of offences. As can be seen, the figures in Table 4.13 compares favourably with the findings of Friedland<sup>124</sup> where it was found that only 38 per cent of 1170 defendants were able to raise bail. For narcotics offences, the Toronto study found that only 10 per cent of the offenders were able to raise bail. However from Table 4.13 it is clear

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<sup>124</sup>Friedland loc cit p. 130

that a higher percentage i.e. 54.7 per cent of accused persons charged with the offence of unlawful possession of drugs were able to find sureties.

Table 4.13

The Ability To Find Sureties  
For All Categories Of Offences

<u>Offence Category</u>	<u>No. of Cases in Which Bail was set</u>	<u>No. Who Found Sureties</u>	<u>% Able To Find Sureties</u>
Theft	745	417	56
Criminal Trespass	342	161	47.1
Receiving Stolen Property	32	24	75
Extortion	96	50	52.1
Criminal Breach Of Trust	32	29	91
Robbery	143	77	53.8
Cheating	69	48	69.6
Criminal Force & Assault	33	27	81.8
Hurt	63	51	81
Forgery	25	21	84
Drug Offences	349	191	54.7
Possession of Offensive Weapons	39	21	53.8
Revenue Offences	38	38	100
Corruption	19	16	84.2
Other Offences	99	79	79.8
Total :	2124	1250	58.9

Comparisons with findings recorded by foreign studies are difficult to make for the following reasons. Firstly, there is the problem of the difference in currency and also because the offences to be compared may not be similar. A much more major reason lies in the fact that in the United States and Canada, the accused is expected to put up the bail amount. A comparison with British statistics relating to remand occasioned by the inability to find sureties reveals that only one per cent were remanded because of such an inability.<sup>125</sup>

It will be recalled that 58.9 per cent of the accused persons who were granted bail were unable to meet the condition of providing a surety for the bail amount. Table 4.14 attempts to discover the reasons behind such an inability. The figures in Table 4.14 do not include cases where the proceedings had ended with an acquittal or a dismissal not amounting to an acquittal.<sup>1</sup> In cases where the proceedings ended with such a result, the previous convictions of the accused person does not arise at all, so that no records of these can be found in the files. In 21 cases, the records of previous convictions of the accused person was not available.

Table 4.14 tends to support the hypothesis that a person without any previous convictions would be better able

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<sup>125</sup>Home Office Study; "Time Spent Awaiting Trial" (1960) at p. 34 para. 89

Table 4.14

Previous Convictions And The  
Ability To Find Sureties

<u>No. of Previous Convictions</u>	<u>No. of Cases Bail Set</u>	<u>No. Able To Find Sureties</u>	<u>Percentage Able To Find Sureties</u>
0	1227	722	58.8
1	211	82	38.9
2	93	24	25.8
3	57	14	24.6
4	30	9	30
5	14	4	28.6
Above 5	43	11	25.6
Total	<u>1675</u>	<u>866</u>	<u>51.7</u>

to find a surety than one with a previous record. This can perhaps be attributed to the fear among potential sureties that an accused with a number of previous convictions would be more inclined to breach the bond conditions and thus have the bail amount estreated by the Court.

In Table 4.15 the hypothesis that an accused who spends a longer time in custody prior to the first court appearance would be less able to provide a surety is tested.

Table 4.15

The Relationship Between Custody  
Prior To The First Court Appearance  
And Ability to Find Sureties

<u>No. of days in Custody before 1st Court Appearance</u>	<u>No. of Cases in which bail was set</u>	<u>No. Able To Find Sureties</u>	<u>Percentage Able To Find Sureties</u>
0*	333	285	85.6
1	532	271	50.9
2	151	81	53.6
3	68	39	57.4
4	69	39	56.5
5	83	43	51.8
6	139	81	58.2
7	212	128	60.4
8 - 10	285	159	55.8
11 - 12	54	25	46.3
13 - 15	150	74	49.3
Above 15	44	30	68.2

\* Consists of those released on police bail and those charged within 24 hours.

Table 4.15 suggests that as the length of custody before the first court appearance increased, the percentage of accused persons able to find a surety of the amount of bail set decreases. The reason for such a finding could perhaps be explained on the ground that since bail is set on the first

Court appearance, it follows that if the accused spends a long period of time in detention prior to the first court appearance, he would be hampered in his attempts to find a surety of his bail amount.

Delay in Finding Sureties

Although bail may be granted on the first court appearance, not all accused persons are able to produce a surety on that day itself. Table 4.16 shows this delay in finding sureties for all offences.

Table 4.16

Delay In Finding Sureties  
For All Offences

<u>Date Surety Provided</u>	<u>No. Who Provided Surety on that day</u>	<u>% Able To Produce a Surety on that day</u>
same day as 1st court appearance	839	67
1 day after	79	6
2 days after	49	4
3	48	4
4	24	2
5	19	1
6	14	1
7 - 14	108	9
15 - 30	48	4
Above 30	23	2
Total :	<u>1250</u>	<u>100</u>

Table 4.16 suggests that if an accused person is able to provide a surety of his bail amount, he would have done so on the same day as bail was set. The percentage of accused persons who were able to provide a surety at a later date is quite insignificant. It can therefore be said that if an accused person cannot produce a surety on the first Court appearance, the probability of his finding one at a later date is quite remote.

### Conclusion

To conclude, it may be observed that the principal criterion employed by Magistrates and Presidents in determining the bail amounts is the nature and gravity of the charge. It would seem that other factors like the ability of the accused to provide a surety is largely ignored. All too often, bail amounts are directly related to the nature of the charge. At all amounts of bail, accused persons who had claimed trial were better able to find sureties of the amounts required. Remands in the Subordinate Courts occur mainly because of the inability of accused persons to provide a surety for the bail amount.