

IN THE COURT OF [DESIGNATION OF THE PRESIDING OFFICER], [PLACE]

[CASE TYPE] No. ____ of 20__

State of [STATE / U.T.]... State

Versus

[NAME OF ACCUSED]... Accused

Next date of hearing: [DATE]

APPLICATION FOR SUBSTITUTION OF SURETY / ACCEPTANCE OF FRESH BAIL BONDS AND DISCHARGE OF THE EARLIER SURETY [SECTION 489 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (SECTION 444 CrPC)]

Respectfully sheweth:

1. That the applicant / accused was granted bail vide order dated [DATE] passed by [COURT], and furnished bail bonds with [NAME OF EXISTING SURETY] as surety.
2. That the existing surety [has applied for discharge / is unable to continue as surety because ____ / has died on ____].
3. That the applicant offers [NAME OF NEW SURETY], [PARTICULARS], as fresh surety, who owns [PROPERTY / FIXED DEPOSIT / VEHICLE — details] and is solvent for the bond amount. The documents are annexed.
4. That the applicant undertakes to appear on every date of hearing and to abide by all the conditions of bail.
5. That bail was granted on [date] with bond amount ₹[], surety requirement [] and conditions []; the operative order and accepted bond are annexed.
6. That substitution is sought because [existing surety's reason and supporting record]. The applicant requests release/discharge of the former surety only by the Court's order and after acceptance of the replacement as required.
7. That the proposed surety is [name, relationship, address and means], with identity and solvency/other documents []. Any restriction in the original order is disclosed and modification, where needed, is sought expressly.
8. That attendance and bail compliance to date are [details]. Any breach or pending discharge request is disclosed, and the proposed transition avoids a lapse in the security required by the Court.
9. That financial hardship or inability to produce a particular local surety is [supported facts]; reasonable alternative security or proportionate modification is requested as [precise terms], subject to applicable law.
10. That [OPTIONAL: retain only after verifying the cited rule and these facts] the applicant's means and existing security burden are evidenced by [records]. Applying Moti Ram, the proposed security [terms] is proportionate and practicable; discharge of the former surety and acceptance of the replacement remain subject to this Court's order.

PRAYER

It is, therefore, respectfully prayed that the fresh bail / surety bonds of [NAME OF NEW SURETY] may kindly be accepted, and the earlier surety discharged, in accordance with law.

Place: [PLACE] Date: [DATE]

APPLICANT / ACCUSED Through [NAME OF ADVOCATE] Advocate Enrolment No. [__]

IN THE COURT OF [DESIGNATION OF THE PRESIDING OFFICER], [PLACE]

[CASE TYPE] No. ____ of 20__

State of [STATE / U.T.]... State

Versus

[NAME OF ACCUSED]... Accused

AFFIDAVIT

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [__] years,
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit / petition / application] has been drafted by counsel on the deponent's instructions. Its contents have been read over and explained in [LANGUAGE], understood by the deponent, and are incorporated as part and parcel of this affidavit; the factual statements are true to the deponent's knowledge or identified records, and legal submissions are based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been filed / the following prior or pending proceedings, outcomes and orders are fully disclosed: ____]. Nothing material has been concealed.

DEPONENT

VERIFICATION

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable rules.

PREPARATION AND JUDGMENT APPLICATION

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Check the BNSS/CrPC provisions on sufficient sureties and discharge, the original bail order and court verification practice. Do not assume a private arrangement releases the former surety.

Fact-specific authority. *Moti Ram v. State of Madhya Pradesh*, (1978) 4 SCC 47; 24 August 1978. Explain means and the practical burden of the existing condition when seeking proportionate security. The decision does not dispense with court approval or compliance with the operative bail order. Read the judgment

Source: <https://indiankanoon.org/doc/1912056/>

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.