

**IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE-I,
AIZAWL JUDICIAL DISTRICT , AIZAWL.**

**Bail Application No.309/2015, U/S 304 IPC
Kulikawn P.S Case No.18/2015**

Lalbiakhluna : Appellant
Versus

State of Mizoram : Respondent

Date of order : 26.3.2015 & 1.4.2015

ORDER

Today is fixed for hearing.

Ld. counsel for the accused/petitioner and ld. Addl. P.P are present.

The ld. counsel for the accused/petitioner submitted that the accused has no involvement in connection with the death of the alleged victim, in this connection he pointed out the FIR dt.17.3.2015 submitted by Lalhlupuii which clearly shows that the accused and the alleged victim had a fight on 4.3.2015, thereafter the accused was admitted to the Hospital only on 16.3.2015 which is 12 days after the accused and the alleged victim had a fight, therefore, it cannot be said that the alleged victim died a result of the said fight. Further he submitted that due to the present case the accused was suspended from his service vide office Order dt.17.3.2015 for no fault of his own. In fact the accused is in danger of losing his job due to the present case. He also submitted that the accused is the main bread earner of his family and his family are put to serious hardships due to the detention of the accused. Also the accused being a permanent resident of Mamit current employed as Constable in 3rd Bn MAP, Mualpui, there is no question of him jumping bail. He therefore prays the accused be released on bail.

On the other hand the ld. Addl. P.P submitted :-

- a) That the charged section is non-bailable and the petitioner does not satisfy any of the provisions laid down u/s 437 Cr. P.C so as to be released on bail.
- b) That as per the statement of the accused/petitioner, it is clear that a prima facie case is found well established against the accused/petitioner.
- c) That suspension is not a punishment from service, in fact the petitioner will not be removed from service unless he is convicted.
- d) That as per the police report. He petitioner is dangerous, and likely to commit crime or threaten victim or witness if released on bail and that his release on bail at this early stage would hamper investigation.
- e) That there is also a question of tampering with the evidence if released on bail at this early stage as he petitioner is a policeman and may have influence over his colleagues.

Hence prayed the court to reject bail.

Dt.1.4.2015 Accused Lalbiakhluna is produced on the strength of production warrant issued by this court, accused Lalbiakhluna stated that the victim and other people were fighting before the incident, and he rebuked them to stop their fighting the victim on the relevant day approach him(accused) with angry and try to beat him with dao, and then pushed him and fall down, beat him with his leg on the cheek of victim and his other body and left him. Afterwards, the victim was reported dead, and he was arrested.

It was learnt that the accused has no any criminal record, and the unfortunate thing happen in this relevant day, and no bad record is available on the past life of accused.

From the submission of both parties and upon hearing of accused/petitioner himself, I found no ground to reject the bail petition and hence accused Lalbiakhluna is granted bail with bond of Rs.30,000/- with reliable surety, preferable, Government servant working in Aizawl town.

The bail petition is dispose.

(VANLALMAWIA),
Addl.District & Sessions Judge-I,
Aizawl Judicial District, Aizawl.

Memo No _____AD & SJ-I/2015 : Dated Aizawl the,1st April 2015.

Copy to :

1. District & Sessions Judge, Aziawl.
2. Accused Lalbiakhluna C/o Zoramchhana(Tete-a) Advocate, Aizawl.
3. APP
4. I/C GR Branch with case record of Kulikawn P.S Case No.18/2015.
5. Judicial section
6. Case Record.
7. Guard file.

P E S H K A R