

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

***Anticipatory Bail Application No. 1/2015
U/S 25(1-A) Arms Act, A/O Sairang P.S Case No.3/2015.***

H.John Sangkhuma
S/o H.Sawmtluanga
Kilikawn, Aizawl. : Petitioner

Versus

State of Mizoram : Respondent

Date of Order : 06.02.2015

BEFORE

Shri. Vanlalmawia, AD & SJ-I

PRESENT

For the Opposite party : R. Lalremruata, Addl. P.P.

For the Accused : C.Lalrinchhunga, Advocate & Ors.

ORDER

Parties are present along with the applicant. Today is fixed for final hearing of the anti-bail application No.1 of 2015 arising out of Sairang P.S case No.3 of 2015 u/s 25(1-A) arms Act.

The ld counsel for the applicant submitted that the accused is suffering from hypertension and dyslipidemia who is not fit to detained in prison as his blood pressure fluctuated with a range of from 90-150 to 110-180 and the applicant

annexed medical certificate duly signed by Dr.Lalngaihawma Pachuau, Medical Officer Alpha Hospital, Kulikawn, Aizawl in support of this contention.

The Id counsel for the applicant also submitted that the accused had no involvement in the case and the accusation made against him was merely conclusion and he is a permanent resident of Kulikawn, Aizawl and there is no possibility of the applicant to flee from justice. And he is ready to abide by the condition imposed by this court in respect of granting his bail and ready to co-operate with the investigating agency if he is released on bail and further submitted that no illegal ammunition were recovered from the possession of the applicant. Hence, prays this Hon'ble Court to release the accused on bail on the event of arrest.

On the other hand, the prosecution submitted that a prima facie case is found well established against the petitioner and the petitioner does not satisfy any of the provisions of 437 Cr.P.C and also submitted that there is a question of absconding. Hence, prayed the court to dismiss the instant petition.

Perused the submission of both parties and material available on the report. This court is inclined towards the submission of counsel for the applicant after considering the nature and granting of the accusation and the possibility of the applicant to flee from justice since he is suffering from hypertension and dyslipidemia. The applicant shall be released on bail in the event of arrest with a bond of Rs.30,000/- with a reliable surety of the like amount under the following conditions :

- 1) He should not leave Aizawl city without the prior permission of the court.
- 2) He should be available for the investigating agency when called for.
- 3) He should not approach the investigating agency in order to temper the investigation.

Surety must be any respectable person living in Aizawl city duly certified by the concerned Local Council Chairman.

Accordingly, this anti-bail application no 1/2015 is disposed of.

Give copy of this order to all concern.

Sd/- VANLALMAWIA,)

Addl. District & Sessions Judge-I

Aizawl Judicial District, Aizawl

Memo No. _____ AD&SJ-I/ : Dated Aizawl, 6th February 2015.

Copy to:

1. District & Sessions Judge, Aizawl.
2. H.John Sangkhuma C/o C.Lalrinchhunga & Ors Advocate.
3. Officer-in-charge, Sairang P.S for information.
4. A.P.P
5. Judicial section.
6. Case Record
7. Guard file

P E S H K A R