

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

**Bail No.634/2015**

**U/S 448/296/307 IPC, Serchhip P.S Case No.6/2015**

|                  |     |            |
|------------------|-----|------------|
| Lalfakmawia      | :   | Appellant  |
|                  | Vrs |            |
| State of Mizoram | :   | Respondent |

**BEFORE**

Vanlalmawia  
Addl.District & Sessions Judge-I

**PRESENT**

|                        |   |                             |
|------------------------|---|-----------------------------|
| For the Appellant      | : | Benjamin L.Pautu, Advocate. |
| For the opposite party | : | Lalremruata Addl.PP         |
|                        |   | Lily Parmawii Hmar, APP     |
| Date of Hearing        | : | 15.7.2015                   |
| Date of order          | : | 15.7.2015                   |

**ORDER**

Today is fixed for hearing of the instant bail application. Case record is received and put up. The counsel for the petitioner as well as the Id. APP are present.

The counsel for the petitioner submitted the following grounds :

1. That the accused was arrested on 7.2.2015 and remand in Judicial Custody on 8.2.2015, charge sheet was submitted on 19.6.2015. the instant bail application is submitted on 17.6.2015. hence, the accused is under judicial custody for a period of 132 days before charge sheet is submitted. Therefore, section 167 Cr. PC could be availed by the petitioner.

2. Even after charge sheet is submitted, the petitioner is under custody for 26 days totaling his custody period to 158 days till today.

3. That the petitioner is a first time offender and a permanent resident of the mentioned address. And hence, there is no danger of the accused absconding on tampering the investigation if released on bail.

4. That the petitioner undertakes to report to the court and the case I/O as and when called for. And that he shall strictly abide by all the conditions imposed on him by this hon'ble court in the event of his release on bail.

5. The petitioner humbly prays this hon'ble court to kindly release him on bail for the end of justice.

On the other hand the Id. APP submitted that on perusal of case record at hand, there is a lapse of 90 days in filing charge sheet, even if the accused is released on bail, it is prayed that strict condition may be imposed to the accused so that he may attend the court regularly.

Upon hearing of both parties, accused Lalfakmawia is deemed to deserve to enjoy section 167 Cr PC as 90 days have expired before charge sheet is submitted.

But on the other hand accused Lalfakmawia seems to be habitual offender and blacksheep of the locality, strict condition needs to be made.

Accused Lalfakmawia is therefore granted bail with bond of Rs.50,000/- with reliable surety of Government Servant preferable not below the rank of Assistant working in Aizawl Town, under the Government of Mizoram, with the condition that :

1. He shall attend court regularly.
2. He shall not in drunken mood during the bail period.

3. He shall not commit any cognizable offence.
4. He shall not leave Mizoram without prior permission of the court.
5. He shall not act anything to hamper trial.

Failure to complied shall entail cancellation of bail.

Give copy of this order to all concern.

Send back case record.

Sd/-VANLALMAWIA  
Addl.District & Sessions Judge-I  
Aizawl Judicial District,Aizawl

Memo No \_\_\_\_\_ /ADJ-I(A)/2015 : Dated Aizawl the, 15<sup>th</sup> July 2015

Copy to :-

1. District & Sessions Judge.
2. Chief Judicial Magistrate, Serchhip District with case record of Serchhip P.S Case No.6/2015.
3. Spl.Superintendent onf Central Jail, Aizawl.
4. Accused Lalfakmawia S/o Khawtinthanga C/o Benjamin L.Pautu and James Lalrintluanga Advocate.
5. APP, Addl. PP
6. Judicial Section.
7. Case record.
8. Guard

PESHKAR