

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

Bail Application No.512/2015

**A/o W.Phaileng P.S Case No.3/2015, U/S 364(A)/34 IPC,
R/W 25(1A) arms Act.**

State of Mizoram	:	Complainant
	Vrs	
Raj Moni Ushay	:	Petitioner

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the opposite party	:	Lalremruata APP Lily Parmawii Hmar, APP
For the Petitioner	:	H.Vanlalhumi
Date of Hearing	:	8.6.2015
Date of order	:	8.6.2015

ORDER

Case record on call put up today. Today is fixed for bail hearing. Both Id. counsel for the applicant and Id. APP/PP is present.

Counsel for the applicant submits that the accused/applicant was arrested on 7.2.2015 by Police personnel for alleged commission of an offence u/s 364(A)/34 IPC, R/W Section 25(1A) Arms Act and was detained him in judicial custody till today. Id, counsel for the applicant prays and submit that since the prosecution fails to submit charge sheet within 90 days and the applicant is entitled to be released on bail as per the provision of section 167 Cr. P.C.

Further, counsel for the applicant prays and submit that since the applicant is a permanent resident of Tuipuibari, Forest veng, Mamit District, there is no question of absconding for fleeing from justice if the applicant is released on bail. Therefore, counsel for the applicant pray this Hon'ble court to released the applicant on bail since the prosecution violated mandatory provision of law for which his further detention is not sustainable in the eye of law.

On the other hand, counsel for the opposite party pray and submit that if the applicant is allowed to be released on bail, surety should be a permanent resident of Aizawl and a permanent Government servant, and should not leave Mizoram without prior permission of court.

Since there was violation of 167 Cr PC by more than 120 days, I have no any other alternative except to grant bail, and hence accused Raj Moni Ushay is granted bail with bond of Rs.3,00,000/- with reliable surety of Government servant preferable not below the rank of L.D.C, working in Aizawl Town, duly certified by controlling officer, with the condition that he will attend court regularly.

The bail petition is disposed off.

Give copy of this order to all concern.

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

Memo No _____/ADJ-I(A)/2015 : Dated Aizawl the, 8th June 2015

Copy to :-

1. District & Sessions Judge.
2. Accused Raj Moni Ushay C/o H.Vanlalhumi Advocate.
3. APP, Addl. PP
4. Chief Judicial Magistrate, Mamit District with case record return of W.Phaileng P.S Case No.3/15.
5. Judicial Section
6. Case record.
7. Guard

PESHKAR