

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

***Bail Application No. 181/2015***  
***A/o Darlawn P.S Case No.33/2014 U/S 376(1) IPC***

Lalruatdika  
S/o Lalrohnuna  
New Serzawl. : Petitioner

Versus

State of Mizoram : Respondent

Date of Order : 11.3.2015

**BEFORE**

**Shri. Vanlalmawia, AD & SJ-I**

**PRESENT**

For the Opposite party : Lalremruata Ralte, A. P.P.

For the Accused : H.Laltanpuia, Advocate.

**ORDER**

Case record put up today as today is fixed for hearing.

The Id counsel for the accused/petitioner submitted that he was arrested by Darlawn Police on 4.12.2014 on the alleged commission of an offence and was charged under section 376(1) IPC and was detained in judicial custody till date.

The Id. Counsels prays for releasing the accused on bail on the following grounds :-

- 1) That the prima facie case against him U/S 376(1) IPC since the victim lodged FIR due to personal enmity.
- 2) The accused is a Sepoy under 15<sup>th</sup> Assam Rifles and there is no danger of absconding from the flea of justice.
- 3) The detention of the accused will resulted on dismissal from his service.

- 4) 95 days had lapsed from the date of detention of the accused in the judicial custody till today but no charge sheet have been submitted by the case I/O and therefore, the matter is hit by S.167 Cr.P.C, due to which the accused is entitled to be released on bail.

The Id. Counsel assured that and will followed any conditions imposed by this Hon'ble court if release on bail, and will not leave India without prior permission of the court.

On the other hand, the Id APP submitted if the petitioner is released on bail it is likely that he may not attend the court as he is working and posted at outside Mizoram. Also submitted that a prima facie case was found well established against accused/petitioner and that he did not satisfy any provisions of 437 Cr.P.C so as to be released on bail. He further submitted that his bail application was already rejected and hence he was supposed to appeal before the Hon'ble High Court and that this court may not entertain the instant bail application. He further submitted that the accused petitioner was first remanded into Judicial Custody on 9.12.2014 and released on bail(interim) on 15.1.2015, remanded again on 29.1.2015. hence since his first remand into Judicial Custody he was not in custody for 14 days and hence it cannot be said that he was in Judicial Custody for more that 90 days without being charge sheeted.

The prosecution also submitted that the case is serious, non-bailable one and moreover the accused/petition is likely to hamper investigation of released on bail. Hence prayed the court to reject bail.

Order reserve after production of accused before me.

Fix : 11.3.2015.

11.3.2015

Accused/petitioner Lalruatdika was produced before me, on the strength of Production warrant issued by this court, accused Lalruatdika stated that there was no any sexual connection with the victim but case was register due to the loss and found of money amounting to more than ten thousands, and the money was already expensed by the said victim and unable to recover the money, to the accused, and hence this case.

The Id counsel further submitted that the accused was already released on interim bail by Addl.District & Sessions Judge-II, but the bail was cancelled by her successor on the ground that the case is serious in nature, without conducting proper hearing of the parties.

Accused is now in Assam Regiment service, and his longer detention may resulted termination from his service, before proving the allegation which could last for long period, and the allegation is found in correct, it may effect all his life and his family, but cannot be repaired after proved and even when the case is found

proved to be convicted, the court will punishment to the accused after proving of the charge u/s 376 IPC.

Moreover accused is arrested on 9.12.2014, and no charge sheet is submitted by the case I/O after lapsed of over 90 days, and accused is deserved to enjoy section 167 Cr.PC with these observation accused Lalruatdika is granted bail with bond of Rs.30000/- with reliable surety of Government servant working in Aizawl Town duly certified by controlling officer, with the following condition.

- 1) The accused shall attend court regularly.
- 2) He shall not leave India without prior permission of Chief Judicial Magistrate, Aizawl.
- 3) He shall act anything which can hamper investigation and trial.
- 4) He shall report himself to the Chief Judicial Magistrate, Aizawl in the last week of April 2015 to get charge sheet(if so) if released on bail, and his future condition of attending court to face trial from his plea of posting Arunachal Pradesh shall be determined by designated court.

The bail petition is disposed.

Give copy of this order to all concern.

Sd/- VANLALMAWIA ,

Addl. District & Sessions Judge-I  
Aizawl Judicial District, Aizawl

Memo No. AD&SJ-I/ 2015 : Dated Aizawl, 11<sup>th</sup> March 2015.

Copy to:

1. District & Sessions Judge, Aizawl.
2. Lalruatdika C/o H.Laltanpuia Advocate.
3. I/C GR Branch with case record of Darlawn P.S Case No.33/2014.
4. Spl.Superintendent Central Jail, Aizawl.
5. A.P.P
6. Judicial section.
7. Case Record
8. Guard file

P E S H K A R