

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

**Bail Application No.1187/2015
A/O Sakawrdai P.S Case No.6 /2015.
U/S 302/307/396/397/120 'B'/ 326 IPC
R/w 25 (1A)/27 (3) Arms Act.**

H. Lallawmkhupa	:	Petitioner
	Vrs	
State of Mizoram	:	Respondent

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the Petitioner	:	J.Lalremruata , Advocate.
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	14.10.2015
Date of order	:	14.10.2015

ORDER

Case record put up for hearing of petition u/s 439 Cr.PC. The Ld. Counsel for the petitioner and the Ld. Prosecutor are present.

The Ld. Counsel for the petitioner submitted the following points and grounds:-

1. That the petitioner is the bonafied citizen of India, permanently residing at Vairengte, Kolasib District, Mizoram for which he is entitled to all the

rights and privileges enshrined under the constitution of India and any other laws made thereunder for the time being in force.

2. That the brief story of the case is that on 22nd September, 2015 the petitioner was arrested by the Police for alleged commission of an offence punishable u/s 302/307/396/397/120 B/326 I.P.C R/w 25 (1A) / 27 (3) Arms Act. After detention within 12 days in the Police custody he is accordingly detained in the judicial custody till date.
3. That the petitioner is innocent and falsely implicated in the instant case. The fact is that one of the son of the petitioner namely Lalbiakliana @ L. Biaka Hmar was involved in H.P.C (D) for which he pay a visit the resident of his son at Hmar Khawlian, Manipur. At that relevant point of time, the police personnel rushed there and arrested him expecting to give some information about his son for which this is the main grounds for his arrest.
4. That taking into consideration about the capacity of the petitioner, it is learnt and understood that he may not be able to commit the punishable charge sections of law as he is an old aged person. Moreover, he may be given leniency as he is an old aged person for his enlargement on bail.
5. That there is no question of absconding since he is a permanent resident of Vairengte, Kolasib District, Mizoram and he is not in a capacity for hampering and tempering with investigation.
6. That the petitioner is ready to abide by the terms and conditions imposed by the Hon'ble Court if he is enlarged on bail.

With the above submissions, the Ld. Counsel for the petitioners earnestly prays the Hon'ble Court to enlarged the petitioner H. Lallawmkhupa on bail.

On the other hand, the Ld Counsel for the prosecution submitted-

- a) That a prima facie case under the aforementioned sections of law is found well established against the petitioner and that the instant bail petition may be rejected.
- b) That no procedured lapse is found regarding arrest of the petitioner.

- c) That the petitioner is not 78 years Old, infact he himself stated before the Court that his is 69 years old, and Moreover there is no record to show that he is not fit to be kept in judicial custody by medical expert. Also submitted that he is fit enough to travel all the way from Viarengte to Khawlian, Manipur which shows that he is physically fit.
- d) That his son Lalbiakliana is a Commander in HPC (D) and the Police find it difficult to arrest him due to the influence and roaming around of the petitioner.
- e) That being a father of the Commander of HPC (D) the petitioner is in a position to hamper investigation if released on bail at this early stage pending investigation and moreover there is a huge possibility of absconding to Manipur, etc.. following his son.
- f) That the case is non bailable case and the petitioner does not satisfy any of the conditions u/s 437 Cr.PC so as to be released on bail.
- g) That the investigation and the attempt to arrest his son is also hampered by the petitioner.

Hence prayed the Court to reject bail.

Besides, the submission of both parties, accused H.Lala is produced before me on the strength of production warrant issued by this Court. Accused informed the Court that he is 69 years of age, and pay a visit to his son Lalbiakliana, who is HPC (D) Commander at Hmar Khawlian, Manipur, on perusal of the case record. It is learnt that no confessional statement have been recorded and no charge sheet is submitted. The charge sections are heinous Crime, releasing of accused/ petitioner at this stage may hamper his confessional statement, and can also hamper charge sheet, the petition is therefore find pre-mature to release him on bail at this stage.

With these observations the petition for bail is rejected at this stage.

Case record be send back.

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

Memo No ____/ADJ-I(A)/2015 : Dated Aizawl the, 14th October, 2015

Copy to :-

1. District & Sessions Judge.
2. H.Lala C/o J Lalremruata Hmar & Ors Advocate
3. I/C G.R Branch with Case Record of Sakawrdai P/S Case No. 6/2015.
4. APP, Addl. PP
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR