

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

**Bail No.1033/2015**

**A/O Aizawl P.S Case No.351/2015, U/S 379 IPC**

Dorothy lalthanmawii	:	Petitioner
	Vrs	
State of Mizoram	:	Respondent

**BEFORE**

Vanlalmawia  
Addl.District & Sessions Judge-I

**PRESENT**

For the Appellant	:	Lalbiakkima, Petitioner.
For the opposite party	:	Lalremruata Addl.PP Lily Parmawii Hmar, APP
Date of Hearing	:	11.9.2015
Date of order	:	11.9.2015

**ORDER**

Case record put up today and today is fixed for bail hearing.

The Id. counsel for the accused submitted that :-

1. That the petitioner is a bona fide citizen of India permanently residing at Chhingaveng, Aizawl as such she is entitled to enjoy all the rights and privileges guaranteed under the constitution of India and any laws made thereunder for the time being in force.
2. That the said bail application was rejected by the Hon'ble court of the Chief Judicial Magistrate, Aizawl. Hence the petitioner continues to be in judicial custody till date.

3. That being highly aggrieved and dissatisfied with the said rejection order of the petitioner, the Id. counsel for the accused submitted the following grounds.

- a) For that the Id. lower court erred in law and in fact as the ground submitted by his counsel for the release of the petitioner was sufficient for the release of the petitioner which was totally ignored by the Id, lower court.
- b) For that the petitioner is the only sole bread earner of her family consisting of 2 minor children and facing serious problem financially and mentally and also in their day-to-day life.
- c) For that the petitioner husband is being suffering from serious disease and need to look after him and from serious ailment nerve problem and need regular treatment and take care.
- d) For that the petitioner has no past criminal record and she had never been convicted at any offence before.
- e) For that the petitioner was not charge with an offence punishable with death nor with a offence punishable imprisonment for life.
- f) For that the petitioner being permanent resident of Chhinga Veng, Aizawl as such there is no danger of absconding/hampering investigation if she is released on bail.

And prays the court to show leniency upon her to release the accused on bail.

The Id. APP submitted that.

- 1) As per the Police report the petitioner is dangerous, likely to escape bail and likely to commit or threaten victim or witnesses if release on bail and as such the Id. CJM was perfectly right in rejecting her bail application and there is no point of interfering with the Id. CJM order dated 1.9.2015.
- 2) Also submitted that since her husband has been discharge from Hospital there is no need to look after him by the petitioner as well as her children hence prays to reject bail.

And Dorothy Lalthanmawii is produced and her Id. counsel also present, and heard in person.

Accused is granted bail with bond of Rs.20,000/- with reliable surety by producing epic and residential certificate issued by local council of Aizawl town, with the condition that :

1. She will attend court regularly.
2. She will not committed the same alleged offence during the bail period.
3. She will not leave Mizoram with prior permission of the court.

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

Memo No \_\_\_\_\_ /ADJ-I(A)/2015 : Dated Aizawl the, 11<sup>th</sup> September 2015

Copy to :-

1. District & Sessions Judge.
2. Spl.Superintendent of Central Jail.
3. Accused Dorothy Lalthanmawii D/o C.Doliana Chhing veng C/o Lalbiakkima Advocate.
4. Case record of Aizawl P.S Case No.351/2015.
5. APP, Addl. PP
6. Judicial Section.
7. Case record.
8. Guard file.

PESHKAR