

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

**Anticipatory Bail No.46/2015  
A/O Champhai P.S Case No.143/2015 U/S 376 'D' IPC**

Lalawmpuia	:	Petitioner
	Vrs	
State of Mizoram	:	Respondent

**BEFORE**

Vanlalmawia  
Addl.District & Sessions Judge-I

**PRESENT**

For the Petitioner	:	B.Lalramenga, Advocate
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	24.9.2015
Date of order	:	24.9.2015

**ORDER**

As today is fixed for hearing on this pre-arrest Bail Application, Mr.B.Lalramenga, the Ld. Counsel for the Petitioner and Ld. PP, Lalremruata are present. The Ld Counsel for the Petitioner submit that the Petitioner, Lalawmpuia is a permanent resident of Kanan Veng, Aizawl who is presently posted in Champhai as District Co-Ordinator under the Deptt. Of Health Service on a contract basis. As such, there is no question of flee from justice or absconding from the court inasmuch as there will be a security of his presence before the Court and also before the case I.O. during the course of investigation. It was further submitted by the Ld. Counsel that the FIR lodged by Lalpekhlu Ralte resulted to filing of the present Anticipatory Bail is in fact baseless and was done

in order to press/urge the Petitioner herein to get married with Lalpekhlu Ralte. It was the contention of the Ld. Counsel for the Petitioner that no criminal record is to be seen in respect of the Petitioner as well as in his antecedents. Besides, the Petitioner shall be co-operative with investigation even if he is enlarged on Pre-Arrest Bail.

On the other hand the Ld. PP vehemently objected to this Anticipatory Bail application on the ground that the charged section i.e., 376 D IPC is a serious offence which cannot be simply overlooked. Moreover, if the Petitioner is released on bail in the event of his arrest, the investigation will surely be hampered, accordingly the Ld. PP prays for objection of this application.

After hearing both sides at length, the fact which is supported by relevant document that the Petitioner is a bonafide citizen of India having a permanent abode at Kanan Veng, Aizawl and being an employee on contract basis under the Govt. of Mizoram has drawn my attention in considering this application. Hence, it is of my view that there will be security of the Petitioner's presence during the trial and even in the course of an investigation if he is released on bail in the event of his arrest. Moreover, the prosecution has not produced any records to refute the submission of the Petitioner's counsel that there is no past criminal record against the Petitioner herein. Accordingly, I find it reasonable to grant this application and as such the Petitioner Lalawmpuia shall be released on bail in an event of his arrest with a bail bond of Rs. 20,000/- and a reliable surety who shall be a permanent resident of Aizawl to be certified by his/her Voter's ID and a Certificate from the concerned Local Council. While granting this application, this Court imposes the following condition against the Petitioner.

1. The Petitioner shall make himself available for interrogation by the case I.O. as and when required.
2. He shall not, directly or indirectly, make any inducement threat or promise to any person acquainted with the facts of the present case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

3. He shall be co-operative in each and every way with the investigation of the case.
4. He shall not have any further connection with Lalpekhui who lodge F.I.R in future.
5. He shall not leave Mizoram without the prior permission of the Court, or before the case is disposed/closed.

With the above direction, the pre-arrest Bail Application is accordingly disposed of.

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

Memo No \_\_\_\_\_ /ADJ-I(A)/2015 : Dated Aizawl the, 24<sup>th</sup> September 2015

Copy to :-

1. District & Sessions Judge.
2. Lalawmpuia S/o Hmingthankunga, KananVeng C/o B. Lalramenga, Advocate.
3. Officer-in-charge Champhai P.S for information.
4. APP, Addl. PP
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR