

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

*Bail No. 856/2016*

*Kulikawn P.S Case No.53/2016*

*U/S 395/412/120B/506 IPC IPC*

Bulaki Chan Baid

Lalmuanawma Mathipi

:

Petitioner

Vrs

State of Mizoram

:

Respondent

**BEFORE**

Vanlalmawia

Addl.District & Sessions Judge-I

**PRESENT**

For the petitioner

:

Francis Vanlalzuala, Advocate.

For the opposite party

:

Lalremruata Addl.PP

Date of hearing/order

:

9.6.2016

**ORDER**

Today is fixed for hearing on the application for regularization of the interim bail dt.13.5.2016 passed by the District and Sessions Judge in Bail application No.639 of 2016 and 626 of 2016.

Counsels for the petitioners and Id. APP are present.

The Id. counsels for the petitioners submitted that the petitioner No.1 and 2 were arrested by Police personnel on 22.4.2016 and 23.4.2016 respectively in connection with the above cited Kulikawn P.S case No.53 of 2016 u/s 395/412/120B/506 IPC. The petitioner no.1&2 were released on Interim bail for a period of one month vide order dated 13.5.2016 passed by the District & Sessions Judge with certain conditions which is going to expired on dt.13.6.2016.

The petitioners have complied with all the conditions set out in the aforesaid interim bail order.

The petitioners were admitted in the Hospital during the course of the interim bail period since both the petitioner are having Diabetes II and Hypertension and have also undergone a heart surgery before and they continue to take Medical treatments and need proper medical treatment which cannot be done if they were in ;custody. After they were discharged from the hospital the petitioner No.1 Bulaki Chand Baid was advised to attend cardiology center for further evaluation and management by his doctor. The petitioner nO.2 Lalmuajpuia Mathipi was advised to ECHO elsewhere because of his abnormal results and taking into consideration the fact that he has had cardiac surgery in 1998 at Birla Hospital Calcutta and he was also advised to have full check-up in bigger medical center.

The Id. counsels further submitted that all the co-accused were already released on bail and the petitioners are ready to co-operate the investigation.

On the above mention facts and circumstances the Id. counsels prays the court to release the petitioners on regular bail.

On the other hand, the Addl. P.P strongly objected bail and submitted that :

- a) Prima facie was found well established against the petitioners and that they are not entitled to bail as per section 437 Cr.P.C.
- b) That if the petitioner are released on bail it is likely that they would hamper the investigation and in fact they would cause hardship to the recovery of gold bars.
- c) That they may even abscond if release on bail especially Bulaki Chand Baid who is not a permanent resident of Mizoram.
- d) That the interim bail was granted by the District & Sessions Judge on dt.13.5.2016 and the said interim order is valid till 13.6.2016 and that regularization of bail at this stage or at present does not arise was passed by the District & Sessions Judge and that the instant petition may also be disposed by the said Hon'ble Judge.
- e) That the Medical Certificate produced by the petitioners do not state that they are not fit to be kept in custody.

Hence, prayed to reject bail.

Since the Id. District & Sessions Judge, Aizawl is on leave till 17.6.2016, and the interim bail granted to the petitioner has to expire on 13.6.2016, this court is bound to take up the petition, and I took over the charge of the said court.

Upon hearing of the parties and on perusal of material evidence available on record, it is learnt that rest of 8(eight) accused who are in judicial custody are also granted interim bail by the Chief Judicial Magistrate Aizawl on 8.6.2016 vide Memo No.483/CJM(A)/2016 and 8.6.2016 the Id. Addl. Public Prosecutor argued that release petitioner would cause hardship in the recovery of gold bar, but in this regard, the prosecution has lot of chance to recover the gold bar from the two petitioner if the said gold are kept by the petitioners during the remand of petitioner in the police and judicial custody, and hence rejection of bail will not effect in recovering the said gold bar, the Id. counsel submit medical certificate for the petitioner certifying that the two petitioner needed further medical treatment.

So, I find no reasonable ground to reject the petition for regularizing interim bail into regular bail.

Petitioner Bulaki Chand Bail of Laipuitlang and Lalmuanawma Mathipi of Zonuam are therefore granted bail with bond of Rs.1 lakhs each, with reliable surety of Government servant, not below the rank of U.D.C working under the Government of Mizoram, posted at Aizawl which is duly certified by controlling officer with the following condition.

1. They shall attend court regularly.
2. They shall not act anything which can hamper further investigation of Police, and trial of court.
3. They shall not commit the same alleged offence during the bail period, and any other cognizable offence.
4. They shall not leave Mizoram without obtaining prior permission of the court.
5. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as

to dissuade them from disclosing such fact to the court or to any police officer or temper with the evidence.

6. The two petitioner/accuseds shall report to the court on 10.8.2016.

Failure to comply of any one of condition shall entailed cancelation of bail without prior notice to the accused and bailor.

The petition is disposed.

Give copy of this order to all concern.

Sd/- VANLALMAWIA  
Addl.District & Sessions Judge-I  
Aizawl Judicial District,Aizawl  
: Dated Aizawl the, 9<sup>th</sup> June 2016.

Memo No **140** /ADJ-I(A)/2016

Copy to :-

1. District & Sessions Judge.
2. Accused Bulaki Chand Baid C/o Francis Vanlalzuala Advocate.
3. Accused Lalmuanawma Mathipi C/o Francis Vanlalzuala Advocate
4. Deputy Superintendent of Police(Prosecution)
5. I/C GR Branch with case record of Kulikawn P.S Case No.53/2016
6. Addl. PP
7. Judicial Section.
8. Case record.
9. Guard file.

PESHKAR