

IN THE COURT OF SHRI VANLALMAWIA ADDL. DISTRICT & SESSIONS JUDGE –I  
AIZAWL JUDICIAL DISTRICT, AIZAWL.

***Bail Appln.No.336/2017***  
*A/o Bawngkawn P.S Case No.54/2017*  
*U/s 380 IPC*

Malsawmtluanga	:	Petitioner
	Vrs	
State of Mizoram	:	Respondent

**BEFORE**

**Vanlalmawia**  
**Addl.District & Sessions Judge-I**  
**PRESENT**

For the Petitioner	:	Lalremssanga & Saithangpuia Sailo, Advocate.
For the Respondent	:	R. Lalremruata, Addl. P.P.
Date of Hearing	:	10.03.2017.
Date of Judgement	:	10.03.2017.

**ORDER**

Case record put up on call.

Today is fixed for bail hearing.

Seen bail application u/s 439 CrPC and vakalatnama duly executed by accused Malsawmtluanga in favour of the Id. counsels Mr.L\Saithangpuia Sailo & Ors and the same has been accepted and registered it as bail application No.336/2017.

The Id. counsels submits that the accused/petitioner was arrested on dt. 22.02.2017 by the Police personnel on the allegation that he has committed an offence punishable u/s 380 IPC and has been remanded into judicial custody till date and a bail application was submitted before Magistrate First Class in dt.28.2.2017. However, the same was reject by order dt.6.3.2017. the Id Magistrate First class after hearing both sides rejected the bail application No.310/2017 stating that "on perusal the materials available on records, I am inclined to reject the bail application at this stage as they could not produce to prove any supporting documents to prove that the accused in a student and has to face his internal exam". Hence, this petition.

The Id. counsel for the accused prays this Hon'ble court ot release the aaccused on bail on the following grounds; inter alia :-

1. That the accused/petitioner has no involvement to the charge leveled against him.

2. That the accused/petitioner is a student of Government Hrangbana College studying B Com (1<sup>st</sup> year) the fact of which is substantiated by the college Identity card. That the accused/petitioner is about to face internal exams and failing to give the said exams will result in failing to appear for the main exam.

3. That the complainant has forgiven the accused/petitioner vide letter titled "Ngaihdamna" lehkha at 26.2.2017 and wishes to exonerate the accused/petitioner from the charges leveled against him.

4. That the Id. counsel pray this Hon'ble court to invoke the Hon'ble Gauhati High Court in the case of Mathew Lalnunpuia Vs State of Mizoram made a decision that even if a prima facie case exists against the accused bail should not be withheld as a measure of punishment. Therefore, it is humbly prayed that the accused/petitioner may be enlarged on bail so that he could defend his case strongly with the help of his counsels at the time of trial.

5. That the accused/petitioner is not dangerous, not likely to escape bail and recidivist is not wanted in any other case. Hence, this ground may also be considered as having forceful effort to grant bail to the accused/petitioner.

6. That the accused being an ignorant and simple person will not hamper the evidence if so released on bail.

7. That the accused/petitioner is a permanent resident of Zemabawk North, Aizawl and hence, there is a security of his presence at the time if he is enlarged on bail.

The Id. Addl. Public Prosecutor raise no objection to release accused on bail.

Case record of Police paper was cancelled for and received, and it is learnt that case I/O ASI Bronson Zodinpuia, of Bawngkawn Police Station has prayed to the Chief Judicial Magistrate to discharge the accused/petitioner Malsawmtluanga S/o Lalrinchhana as his involvement is not found in the charge level against him u/s 380 IPC, the Id Chief Judicial Magistrate, Aizawl also has already discharge him on 8.3.2017.

So, since the accused/petitioner is discharge by Chief Judicial Magistrate Aizawl, granting of bail to the accused/petitioner is not necessary.

It is therefore ordered that accused/petitioner Malsawmtluanga S/o Lalrinchhana of Zemabawk, is discharged and set him at liberty.

Give copy of this order to all concern.

The case is disposed.

**Sd/-VANLALMAWIA**

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

Memo No \_\_\_\_ /ADJ-I(A)/2017 : Dated Aizawl, the 10<sup>th</sup> March , 2017.

Copy to:

1. District & Sessions Judge, Aizawl.
2. Malsawmtluanga S/o Lalrinchhana C/o Lalremsanga & Saithangpuia Sailo Advocate.
3. I/C G.R. Branch Aizawl with case record of Bawngkawn P.S Case No.54/2017.
4. Judicial Section.
5. Case record.
6. Guard file.

PESHKAR