

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT : AIZAWL**

Bail appln. No.389/2014
In CrI.Tr. No.462/2014
u/s 307 IPC

Ref :- Saitual PS Case No.9/2014 dt.27/3/2014 u/s 307 IPC

Saithuama Sailo
S/o Lalngheta
R/o Tualbung, Mizoram Accused/Applicant

Versus

State of Mizoram Respondent

Date of hearing 15.04.2014

Date of Order 15.04.2014

APPEARANCE

For the accused/applicant Mr.H.Laltanpuia Advocate
For the respondent Mrs. Rose Mary, Addl.PP
Ms. Rosy, APP

ORDER

1. This bail application u/s 439 Cr.P.C have been filed for enlargement of accused Saithuama Sailo on bail. The said accused was arrested on 27.3.2014 in connection with Saitual PS Case No.9/2014 dt.27.3.2014 u/s 307 IPC.

2. Case Diary is received from the investigating Officer.

3. Heard the Ld. Counsels.

4. Mr. H. Laltanpuia, Ld. Counsel for the Applicant submitted that the father of the accused passed away and that his funeral is toady. As such, even though the accused may not be able to reach his village for the funeral of his father, it is just and proper that in this time of bereavement he should be with his family. The Ld. Counsel further submitted that the accused has been in judicial custody since 28.3.2014 which shows that he is no longer required in the investigation thereby mitigating any possibility of hampering with investigation. The Ld. Counsel further submitted that the accused dose not have any criminal antecedents and that he being a native of Mizoram and permanent resident of Tualbung village there is no danger of

absconding. On the aforesaid grounds, the Ld. Counsel prays to release the accused on bail.

5. On the other hand, Mrs. Rose Mary, the Ld. Addl.PP submitted that the offence against which investigation is being conducted against the accused is a serious crime and that it is not proper at this stage to enlarge the accused on bail. The Ld. Counsel further submitted that as investigation is under progress, if the accused is enlarged on bail, he can hamper the investigation and thus pray to reject the application at this stage.

6. Heard the Ld. Counsels and perused the record. It is seen from the Diary that the accused has been remanded to judicial custody since 28.3.2014. The Diary reveals that medical examination alongwith the report have been received and most of the witnesses including the victim himself have been examined u/s 161 Cr.P.C. The Case Diary was closed on 1.4.2014 as last entry awaiting report from the FSL. This considering the stage of investigation, it appears that there is no reasonable ground for the accused to hamper with investigation. The death of the father of the accused is also a reasonable ground for the accused to be with his family at this time of bereavement. There is also no material to suggest from the record that the accused has previous criminal antecedents.

7. Considering the stage of investigation, the antecedents of the accused and that death of the father of the accused, I am of the view that sufficient ground has been made out to enlarge the accused on bail.

8. Accordingly, accused Saithuama Sailo is enlarged on bail to the satisfaction of the Ld. Chief Judicial Magistrate, Aizawl.

9. Send back the Case Diary to the Investigating Officer through DSP (Prosecution), District Court, Aizawl.

10. With the above Order, the application stands disposed off.

Sd/- HELEN DAWNGLIANI
Addl. District & Sessions Judge
Aizawl Judicial District : Aizawl

Memo No:...../AD&SJ(A)/2014 : Dated Aizawl, the 15th April, 2014
Copy to: -

1. Saithuama Sailo through Counsel Mr. H. Laltanpuia, Advocate.
2. Chief Judicial Magistrate, Aizawl.
3. Investigating Officer through DSP (Prosecution), District Court, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.

P E S H K A R