

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

Bail appln. No.1468/2013
In Crl.Tr. No.2032 of 2013
u/s 302 IPC

David Lalrinawma
C/o Sapbuangi
R/o Chlatlang, Venglai
Aizawl, Mizoram

.....

Accused/Applicant

Versus

State of Mizoram

.....

Respondent

Date of hearing

.....

15.01.2014 & 15.01.2014

Date of Order

.....

15.01.2014

APPEARANCE

For the accused/applicant

..... Mr. R. Lalhmingmawia Advocate

For the respondent

..... Ms. Lalrinpuii, APP

ORDER

1. This bail application u/s 439 Cr.P.C have been filed for enlargement of accused David Lalrinawma on bail. The said accused was arrested on 15.11.2013 in connection with Bawngkawn PS Case No.207/2013 dt.15.11.2013 u/s 302 IPC.
2. The instant application was filed on 28.11.2013. Since then, vide Orders dt. 28.11.2013, 11.12.2013 and 18.12.2013 case Diary have been called from the Investigating officer through O/C of Bawngkawn PS. It is seen from the record that vide Order dt.18.12.2013 the Investigating Officer was directed to produce the case diary on 13.1.2014. Case Diary was not produced on 13.1.2014 without showing cause. Since 13.1.2014 was the date on which Court reopens after Winter vacation it was thought proper to wait for another day. But till date, the case diary have not been produced by the Investigating Officer without showing any reasons. In the given facts and circumstances of the case, I have no other option but to draw an adverse inference against the investigation.

3. Coupled with the above, on 11.12.2013, one Sapbuangi, mother of the deceased Lalsangluaia submitted a letter stating inter alia that she has fully forgiven the accused as the act was committed by him in order to save her from the deceased, her son, who physically assaulted her.
4. I have also heard the Ld. Counsels and also perused the bail application. I have that there are sufficient ground to release the accused on bail.
5. Accused David Lalrinmawia shall be released on bail to the satisfaction of the Ld. Chief Judicial Magistrate, Aizawl on the following conditions:-
 - A. He shall attend court regularly in terms of the bond executed by him.
 - B. He shall not commit any offence or an offence similar to the offence of which he is accused.
 - C. He 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 him from disclosing such facts to the court or tamper with evidence.
 - D. He will not leave the state of Mizoram without prior permission of the court.

Give copy of this Order to the Ld. CJM, Aizawl for necessary action

With the above Order, application stands disposed off.

Sd/- HELEN DAWNGLIANI

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

Memo No..... AD & SJ (A)/2013 : Dated Aizawl, the 16th January, 2014
Copy to :-

1. Accused David Lalrinawma through Counsel Mr. R. Lalhmingmawia, Advocate.
2. Chief Judicial Magistrate, Aizawl.
3. Special Superintendent, Central Jail, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.

P E S H K A R