

IN THE COURT OF ADDL.DISTRICT & SESSION JUDGE, AIZAWL

Bail Appln. No. 625/2014

(Arising out of CrI. Tr. No. 561/2014 u/s 376(1) IPC)

Vanlalvena

S/o Tawkhleisanga

R/o Zokhawthar, Mizoram : Applicant

Versus

State of Mizoram : Opposite party

Date of Order : 20.06.2014

BEFORE

Smt. Helen Dawngliani, Addl. District & Session Judge

PRESENT

For the Accused/Applicant : Lalchhanliana Khiangte
Mary Lalruatkimi Khiangte
Melody L. Pachuau, Advocates

For the State : Rose Mary, Addl. PP

ORDER

Ld. Counsels for the parties are heard. The Investigating Officer appeared in person along with the Case Diary.

Ms. Mary Lalruatkimi Khiangte, ld. Counsel for the applicant submitted that the accused was arrested on 22.5.14 and detained in custody till date. The ld. Counsel submitted that the accused does not have any criminal antecedents and that he has no involvement in the instant case. The ld. Counsel also submitted that the accused is a resident of Zokhawthar, Champhai District and as such there is no danger of his absconding. The ld. Counsel further submitted that co-accused Lalringzaua stated that the present applicant has no involvement. In support of her submission, the ld. Counsel has placed on record a letter written by the said Lalringzaua duly forwarded by the authority of Central Jail, Aizawl. The ld. Counsel therefore prays to release the accused on bail.

On the other hand, Mrs. Rose Mary, the ld. Addl. PP submitted that the case is at the stage of investigation and considering the seriousness of the offence, it would not be proper to enlarge the accused on bail at this stage. The ld. Counsel also submitted that no reasonable ground has been made out to enlarge the accused on bail. On the aforesaid ground, the ld. Counsel prays to reject the Bail Application at this stage.

Heard the parties and perused the Case Diary. It is noticed from the Diary that the applicant have been interrogated and remanded to judicial custody on 25.5.14. It is also seen that after the arrest of the present applicant, one Lalringzaua was also arrested

and his statement recorded. The last entry made in the Diary is that of 17.6.14 wherein instruction was received from the SP Aizawl to lay the Charge Sheet. The record also shows that seizures have been made.

Considering the stage of investigation, the statement of the applicant and co-accused Lalringzaua before the Police and the antecedents of the accused, I am of the opinion that reasonable ground has made out to enlarge the accused on bail.

Accordingly, accused Vanlalvena shall be enlarged on bail to the satisfaction of the Id. Chief Judicial Magistrate, Aizawl with the following conditions: -

- 1) He shall attend Court regularly.
- 2) He shall not commit any offence or similar offence of which he is being suspected.
- 3) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or tampered with the evidence.
- 4) He shall not leave the State of Mizoram without prior permission of the Court.
- 5) He shall co-operate with the Investigating Officer.

The Case Diary along with copy of this Order shall be handed over to the Investigating Officer through Mrs. Rose Mary, Addl. PP.

With the above Order, the application stands disposed off.

Sd/- HELEN DAWNGLIANI
Addl. District & Session Judge
Aizawl Judicial District, Aizawl

Memo No..... AD & SJ (A)/2014 : Dated Aizawl, the 20th June, 2014

Copy to :-

1. Vanlalvena through Counsel Ms. Mary Lalruatkimi Khiangte, Advocate.
2. Chief Judicial Magistrate, Aizawl.
3. Mrs. Rose Mary, Addl. PP.
4. Investigating Officer through Mrs. Rose Mary, Addl. PP.
5. Registration Section.
6. Guard File.
7. Case Record.
8. Calendar Judgment.

P E S H K A R