

IN THE COURT OF ADDL.DISTRICT & SESSION JUDGE, AIZAWL
Bail Appln. No. 797/2014
(Arising out of Crl. Tr. No. 166/2011 u/s 457/506/376 IPC)

Lalsangzuala : Applicant

Versus

State of Mizoram : Opposite party

Date of Order : 20.6.2014

BEFORE

Smt. Helen Dawngliani, Addl. District & Session Judge

APPEARANCE

For the Applicant : H. Lalrinthanga, Advocate

For the State : Rose Mary, Addl. PP

ORDER

Ld. Counsels for the parties are present.

Heard the ld. Counsels.

Mr. H. Lalrinthanga, ld. Defence Counsel for the accused/applicant submitted that the accused is innocent of the charge laid against him and that he was earlier enlarged on Interim Bail which continued for a considerable period of time. During the said period, the accused regularly attended Court but on some occasion due to communication gap between him and his Counsel, he failed to attend Court. The ld. Counsel submitted that such absence was not willful. It was also submitted by the ld. Counsel that the Bail Bond of the accused was earlier cancelled because of the change of residence of his Surety and the ld. Sessions Judge had clearly noted that the Trial Judge may consider enlarging the accused on bail with a Surety who is a permanent resident of Aizawl city. The ld. Counsel submitted that there is no danger of the accused absconding since he is a native of Mizoram and permanent resident of Biate village. On the aforesaid ground, the ld. Counsel prays to release the accused on bail.

On the other hand, Mrs. Rose Mary, the ld. Addl. PP submitted that no sufficient ground has been made out to enlarge the accused on bail. The ld. Counsel submitted that the offence against which the accused is facing trial is a serious offence which affects not only the victim but also keeping the accused outside detention can be a danger to the society at large. The ld. Addl. PP also submitted that on some occasion, the accused absented himself when he was enlarged on Interim Bail. The ld. Counsel therefore submitted that in the absence of any special reason, the accused should not be enlarged on bail.

Heard the ld. Counsels and perused the record. It is seen from the record that the accused was enlarged on Interim Bail vide Order dt.7.10.11 passed by the ld. Chief Judicial Magistrate, Champhai with a further condition that as and when Summoned the accused should appear before the Sessions Court at Aizawl. Since then, the accused have been enlarged on bail. The record reveals that on some occasion, the accused failed to appear but the ld. Defence

Counsel explained that such was due to communication gap. There is no material to suggest that during the time the accused was enlarged on Interim Bail, he wrongfully influence witnesses or acted in a manner not congenial to the Society or to the victim in particular. It is also noticed from the record that the Id. Sessions Judge before him the matter was placed during the leave of this Court had vide Order dt.11.6.14 cancel the Bail Bond of the accused due to absence of the Surety and further noted that the accused may furnish Surety from the city of Aizawl to the satisfaction of the Trial Judge. Considering the facts and circumstances of the case, the antecedents of the accused, and the materials on record, I am of the view that reasonable has made out to enlarge the accused on bail.

Accordingly, accused Lalsangzuala is enlarged on bail with a bond of Rs. 15,000/- (Rupees fifteen thousand) only with 1 (one) reliable Surety of the said amount. The Surety must be a permanent resident of Aizawl duly certified by the Local Council concerned. The Surety must also furnished his/her recent passport size photograph along with his/her phone number at the time of executing a bond.

The following are the bail conditions: -

- 1) The Accused/Applicant shall attend Court regularly in terms of the bond executed by him.
- 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 tempered with the evidence.
- 4) He shall not leave the State of Mizoram without prior permission of the Court.

The accused is directed to appear before this Court on 27.6.14.

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. Accused Lalsangzuala through Counsel Mr. H. Lalrinthanga, Advocate.
2. PP/Addl. PP, Aizawl.
3. Special Superintendent, Central Jail, Aizawl.
4. Registration Section.
5. Guard File.
6. Case record.
7. Calendar Judgment.

P E S H K A R