

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE-III
AIZAWL JUDICIAL DISTRICT, AIZAWL**

Bail Appln. No. 203/2014

(Arising out of CrI. Tr. No. 315/14 u/s 307/325/34 IPC)

1. Lalsangpuia S/o C. Laltanpuia
Khatla South, Aizawl

2. Lalchhandama S/o Kapchhuma
Khatla South, Aizawl : Accused Petitioners

Versus

State of Mizoram : Opposite party

Date of Order : 21.03.2014

BEFORE

Smt. Helen Dawngliani
Addl. District & Session Judge-III

PRESENT

For the Accuseds/Applicants : C. Pahlira
H. Laltanpuia
H. Lallawmzuala, Advocates
For the State : Rose Mary, Addl. PP
Rosy Lalnuntluangi, APP

ORDER

This Bail Application u/s 439 CrPC has been filed in connection with CrI. Tr. No. 315/2014 u/s 307/325/34 IPC arising out of Aizawl PS Case No. 60/14 dt.2.3.2014.

Heard the Id. Counsels.

Mr. H. Laltanpuia, Id. Counsel for the Accuseds/Applicants submitted that the alledged incident occurred on 2.3.2014 and on the same night the two Applicants were arrested and they were sent to judicial custody on 5.3.2014. The Id. Counsel submitted that the two accused persons also received injuries as a result of which they were sent for medical examination by the Investigating Officer. The Id. Counsel further submitted that due to the injuries sustained by them, the two accused persons had to be helped by other persons even when they enter appearance before the Court of the Id. CJM. The Id. Counsel also submitted that since 5.3.2014 the two accused persons had been in judicial custody which shows that they are no longer required for investigation and that they have been fully interrogated by the Investigating Officer. Referring to the Case Diary with its connected documents, the Id. Counsel submitted that the Investigating Officer while making an observation of the accuseds and their non Police records have remarked that they are not dangerous, they do not have pass criminal record and that they are not likely

to escape bail. The Id. Counsel further submitted that since the two accused persons also sustained injuries they require better medical treatment outside the Jail since they cannot fully recover from their injuries. The Id. Counsel also submitted that the two Applicants are native of Mizoram and a permanent resident at Aizawl and does not have any criminal antecedents. On the aforesaid grounds, the Id. Counsel prays to release the two accused applicants on bail.

Ms. Rosy Lalnuntluangi, the Id. APP submitted that the two accused persons have been arrested in connection with the serious offence u/s 307 IPC. The Id. Counsel submitted that if the two accused persons are enlarged on bail at this stage, there is danger of them hampering the investigation. The Id. Counsel argued that considering the stage of investigation it is premature to release the applicants on bail at this stage.

Heard the Id. Counsels and perused the Case Diary along with the documents in connection with investigation of the case. Upon perusal of the record, it is seen that the statements of both the applicants have been recorded and the medical examination report/injury report of the two accused persons and the victim have also been received by the investigating Officer. The record reveals that the two accused persons have been in judicial custody since 5.3.2014. There is no material to suggest that from 5.3.2014 till date, the two accused persons are required by the Investigating Officer in any manner. The last entry made in the Case Diary is that of 15.3.2014. From the Arrest Memo of accused/applicant Lalsangpuia, his permanent address has been written as Khatla South, Aizawl and his date of birth as 13.11.1985. The Arrest Memo of accused Lalchhandama shows that he is also a permanent resident of Aizawl at Khatla South and was born on 9.5.1989. The Arrest Memo of both the accused persons shows that they do not have passed criminal record.

Considering the age, character, antecedents of both the accuseds as well as the stage of investigation, I find that reasonable ground has been made out to enlarge them on bail.

Accordingly, accuseds Lalsangpuia and Lalchhandama are enlarged on bail to the satisfaction of the Id. Chief Judicial Magistrate, Aizawl with the following conditions: -

1. They shall attend court regularly in terms of the bond executed by them.
2. They shall not commit any offence or an offence similar to the offence of which they are accused of.
3. They 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 them from disclosing such facts to the court or tamper with evidence.
4. They shall fully co-operate with the investigation whenever required by the Investigating Officer.

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

Send back the Case Diary along with all its enclosures to the Investigating Officer through DSP (Prosecution), District Court, Aizawl.

With the above Order, application stands disposed off.

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

Memo No..... AD & SJ (A)/2014 : Dated Aizawl, the 21st March, 2014

Copy to:-

1. Lalsangpuia S/o C. Laltanpuia, Khatla South, Aizawl
 2. Lalchhandama S/o Kapchhuma, Khatla South, Aizawl
 3. Chief Judicial Magistrate, Aizawl.
 4. Investigating Officer through DSP (Prosecution), District Court, Aizawl.
 5. Registration Section.
 6. Guard File.
 7. Case Record.
- } through Counsel
} Mr. H. Laltanpuia.

P E S H K A R