

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

**Anticipatory Bail No. 7/2014**

1. J. Malsawma S/o Lalringa (L)  
R/o Chaltlang Lily Veng, Aizawl
2. Lalawmpuii W/o J. Malsawma  
R/o Chaltlang Lily Veng, Aizawl : Applicants

Versus

State of Mizoram

Date of Hearing : 22.05.2014

Date of Order : 26.05.2014

**BEFORE**

*Smt. Helen Dawngliani, Addl. District & Session Judge*

**PRESENT**

For the Applicants : Ms. Rashila Thapa, Advocate

For the State : Mrs. Rose Mary, Addl. PP  
Ms. Rosy Lalnuntluangi, APP

**ORDER**

This application u/s 438 CrPC have been filed for granting pre-arrest bail to the above named applicants who apprehend arrest in connection with Vaivakawn PS Case No. 81/14 dt.11.4.14 u/s 420 IPC.

Received the Case Diary from the Investigating Officer. Also permitted the prayer of the Id. Counsel for the applicants to submit Order dt.16.4.14 in Civil Misc. Application 116/14 and Order dt.16.4.14 in Civil Suit 14/14 both passed by the Id. Senior Civil Judge-1, Aizawl as well as Order dt.16.4.14 passed by the Id. Chief Judicial Magistrate, Aizawl in Bail Application No. 442/14.

Heard the Id. Counsels.

Ms. Rashila Thapa, Id. Counsel for the applicants submitted that the applicants are permanent resident of Aizawl at Chaltlang and running a Furniture Workshop. On the nature of the case, the Id. Counsel submitted that the applicant no.2 Lalawmpuii borrowed a sum of Rs. 4,11,400/- from one woman namely Ngaihbanglovi @ BL-i with interest @ 10% and she mortgage her jewelery and other precious ornaments amounting to Rs. 6,10,500/-. Repayment of Rs. 3,70,820/- was made. Thereafter the applicant no.2 purchase to Ruby from the said BL-i for a sum of Rs. 1,35,000/- on credit. After availing Loan, the applicants approach BL-i to make payment for the Ruby but BL-i told them to clear the previous balance. Accordingly, payment of Rs. 3,70,820/- was made but BL-i refuse the request of the applicants to return the mortgage ornaments. As the applicants felt that there was something wrong with the said BL-i they stopped making repayment to BL-i. The Id. Counsel submitted that the case is more of a Civil nature, however, the said BL-i lodged an FIR at Vaivakawn PS and the applicants were called to

the PS. The applicant no.1 went to the PS and the OC was trying to reach them to a settlement but only listen the statement of the complainant. The Id. Counsel also submitted that another FIR was submitted which was registered as Vaivakawn PS Case No. 208/14 dt.9.4.14 against the present applicants. The Id. Counsel further submitted that the applicants approach the Court of the Id. Senior Civil Judge, Aizawl by filing a Civil Suit registered as CS No. 14/14 against the informant Ngaihbanglovi @ BL-i and her husband Lalbiakmawia Zahau, Chanmari West. The Id. Counsel has placed on record the Order dt.16.4.14 directing the defendants i.e. the informant of the instant PS Case and her husband not to sell or dispose the ornaments and jewelery of the applicants i.e. the present applicants.

On the other hand, the Id. Addl. PP submitted that it appears from the record that the 2 applicants have some involvement and that it would not be proper if they are kept at liberty since there is possibility of hampering with investigation.

Perused the Case Diary. It is seen from the Case Diary that the statements of the 2 applicants have already been recorded. Seizure have been made and there is mention in the Case Diary that the case is more of a civil nature. The statements of the applicants were recorded on 14.4.14. There is no material from the record/Case Diary to show that the 2 applicants did not cooperate with the Investigating Officer in respect to their attendance before the said Officer for the purpose of investigation. Going by the merit of the case, it appear that the problem arose as a result of transaction of some precious stones such as ruby. There being no material to suggest that the parties including the informant have licence to deal with such business. This aspect of the matter has disturbed the mind of this Court. Considering the nature of the offence, the presence of litigation of civil nature and the Orders passed by the Competant Court in relation to such cases, the applicants being native of Mizoram and having no criminal antecedents, I find that reasonable ground exist to enlarge them on Pre-Arrest Bail.

Accordingly, it is ordered that in the event of arrest, applicants Lalawmpuii Sailo and J. Malsawma shall be released on Bail.

With the above Order, the application stands disposed of.

**Sd/- HELEN DAWNGLIANI**

Addl. District & Session Judge  
Aizawl Judicial District, Aizawl

**Memo No..... AD & SJ (A)/2014**  
**Copy to :-**

**: Dated Aizawl, the 26<sup>th</sup> May, 2014**

1. J. Malsawma S/o Lalringa (L) } through Counsel
2. Lalawmpuii W/o J. Malsawma } Ms. Rashila Thapa, Advocate
3. PP/Addl. PP, Aizawl.
4. Investigating Officer through Officer-in-Charge, Vaivakawn PS.
5. Registration Section.
6. Guard File.
7. Case Record.
8. Calendar Judgment.

**P E S H K A R**