

1. This Pre- arrest bail application has been filed u/s 438 Cr.P.C who is apprehending arrest in connection with the offence punishable u/s 380 IPC.
2. Heard the Ld. Counsels. Case Diary is also received.
3. Mr. C. Lalhruaitluanfga, Ld. Counsel for the applicant submitted that the case is of civil nature and that the civil case is still pending. In this regard, the Ld. Counsel submitted that the informant and the applicant are brothers. On the death of their father, their mother Malsawmdawngliani was issued heirship certificate by the competent Civil Court. On the death of the ir Mother, the informant filed eviction suit i.e Eviction Suit No.12/2013 which was decreed ex-parte. Thereafter, the informant filed an execution petition registered as Execution case No.88/2013. Being aggrieved by the exparte Order in Eviction suit, the applicant has filed an appeal (RFA No.16/2014) which is pending disposal before this Court. The Ld. Counsel also submitted that the applicant ahs no criminal antecedents and that he being a permanent resident of Darlawng, there is no danger of absconding.

On the other hand, Mrs. Rose Mary the Ld. Addl.PP submitted that it would be in the interest of justice if the applicant is available for the purpose of investigation but if he is granted anticipatory bail there is not guarantee of securing his presence.

4. Perused the case diary. Considering the stage of the investigation, the antecedents of the applicant, the seriousness of the offence, seizure being made, the applicant being native of Mizoram and permanent resident of Darlawng village and the parties still litigating on civil side on the same issue which is pending disposal before this court, I am of the considered opinion that reasonable ground exist to release the applicant on bail.

5. Accordingly, it is ordered that in the event of arrest applicant R.Lalrinsanga shall be released on bail.

6. Case Diary be returned to the Investigating Officer through DSP (Prosecution), District Court, Aizawl

7. With the above-order the application stands disposed off.

Sd/- HELEN AWNGLIANI
Addl.District & Sessions Judge
Aizawl judicial District : Aizawl

Memo No. ____/AD&SJ(A)/2014 : Dated Aizawl, the 23rd May, 2014

Copy to: -

1. Lalrinsanga through Counsel Mr. Lalbiaknunga Hnamte, Advocate.
2. PP/Addl. PP, Aizawl.
3. Investigating Officer through DSP (Prosecution), District Court, Aizawl.
4. Officer-in-Charge, Bawngkawn PS.
5. Registration Section.
6. Guard File.
7. Case Record.
8. Calendar Judgment.

P E S H K A R