

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE
AIZAWL JUDICIAL DISTRICT, AIZAWL
Bail Appln. No. 399/2014
(Arising out of G.R. No. 178/2014 u/s 302 IPC)**

Vanlalmuanpuia : Applicant

Versus

State of Mizoram : Opposite party

Date of Order : 27.5.2014

BEFORE

Smt. Helen Dawngliani, Addl. District & Session Judge

PRESENT

For the Applicant : Mr. Albert V.L. Nghaka, Advocate

For the State : Mrs. Rose Mary, Addl. PP

Ms. Rosy, APP

ORDER

This Application for grant of Bail has been submitted by the accused/applicant from Jail. The Id. Counsel for the applicant is entering appearance under the Legal Aid Scheme.

Mr. Albert V.L. Nghaka, the Id. Counsel for the accused/applicant submitted that the accused was arrested on 9.2.14 and till date he is in judicial custody. The Id. Counsel submitted that the accused/applicant has been detained in custody for about 107 days and Charge Sheet have not been filed. The Id. Counsel therefore submitted that the accused is entitle to be enlarge on bail u/s 167 CrPC. Relying on the application of the accused, the accused is the sole bread earner of his family and due to the death of his wife, his daughter who is a student does not have anyone to look after her. The Id. Counsel has also drawn the attention of this Court to the enclosure of the application wherein the father of the deceased stated that the accused has got no reason to suffer as a result of the death of his daughter and that the matter have compromise. The Secretary, YMA Baktawng and VCP Baktawng Vengpui also issued certificates acknowledging the compromise made between the parties.

The Case Record of Crl. Tr. 178/14 in Aizawl PS Case No. 39/14 dt.9.2.14 u/s 302 IPC was summoned and duly received during the course of hearing as the Id. Counsel for the applicant made a prayer for default bail u/s 167 CrPC.

Mrs. Rose Mary, the Id. Addl. PP after carefully going through the record, in her usual fairness submitted that it appears 90 days have lapse after the arrest of the

accused. The Id. Counsel however submitted that since the offence is a heinous crime, appropriate conditions may be imposed in the interest of the public at large, and for the safety of those close to the accused in particular.

Upon hearing the parties, and on perusal of the record, it is seen that the accused was arrested on 9.2.14 and he was remanded to judicial custody on the same day. The record does not contain Charge Sheet and the last Order was 20.5.14 wherein the accused was remanded to judicial custody till 3.6.14. The record therefore shows that the period between 9.2.14 and 20.5.14 is more than 90 days (100 days), by now it is the 107 days in judicial custody. Accordingly, I am of the considered opinion that the accused is entitled default bail u/s 167 CrPC.

Accused Vanlalmuanpuia is 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 make himself available to the investigating officer whenever required in connection with the investigation of this case.
3. He shall not commit any offence or similar offence to which he is suspected.
4. 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 any Police Officer/Court
5. He shall not leave the State of Mizoram without the previous permission of the Court

Let the Case Record of CrI. Tr. 178/14 be returned to the Court of the Id. Chief Judicial Magistrate, Aizawl.

The accused shall appear before the Id. Chief Judicial Magistrate, Aizawl on 3.6.14, as fixed earlier.

With the above Order, application stands disposed off.

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

Memo No:...../AD & SJ (A)/2014 : Dated Aizawl, the 27th May, 2014

Copy to :-

1. Vanlalmuanpuia through Counsel Mr. Albert V.L. Nghaka, Advocate.
2. PP/Addl. PP, Aizawl.
3. Chief Judicial, Magistrate, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.
7. Calendar Judgment.

P E S H K A R