

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

**Bail Appln. No. 532/2014**

(Arising out of G. R. No. 133/13 u/s 376(2)(i) IPC)

Nobina : Applicant

Versus

State of Mizoram : Opposite party

Date of Order : 21.05.2014

**BEFORE**

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

**APPEARANCE**

For the Applicant : Mr. W. Sam Joseph, Advocate

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

Ms. Rosy, APP

**ORDER**

Ld. Counsels for the parties are present. Today is fixed for hearing of the Bail Application.

Mr. W. Sam Joseph, ld. State Defence Counsel relying on the application submitted by the accused from Jail submitted that since 18<sup>th</sup> July 2013, the accused have been in judicial custody and by now he has undergone detention for about 10 months. The ld. Counsel further submitted that the accused is the only male member of his family and as his father has died and he is looking after his mother who is now about 60 years. His mother is unable to earn a living and because of his detention, his mother is making ends meet through charity from the neighbourhood. The ld. Counsel further submitted that as Charge Sheet have been filed, there is no danger of the accused hampering the investigation or tampering with evidence. It is further submitted by the ld. Counsel that the accused being a permanent resident of Kolalian, Mamit District, there is no danger of absconding and the accused does not have any criminal antecedents as is seen from the Charge Sheet itself. Going by the record, the ld. Counsel argued that the accused and the victim were having an affair and that the accused did not commit any offence against the victim. On the aforesaid ground, the ld. Counsel prays to release the accused on bail.

On the other hand, Mrs. Rose Mary, the Id. Addl. PP submitted that no sufficient ground has been made out to enlarge the accused on bail. The Id. 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 Id. Addl. PP therefore submitted that in the absence of any special reason, the accused should not be enlarged on bail.

Heard the Id. Counsels and perused the record. It is seen from the record that the accused was arrested on 16.7.13 and from the said date, he has been detained in judicial custody till date. There are no documents or materials to show that the accused has passed criminal records/conviction. It is also seen from the record that the accused is not wanted in any other case and that he is a permanent resident of Kolalian, Mamit District. The Charge Sheet have been submitted and it appears that there are no reasonable apprehension of the accused hampering with the investigation. It is also seen from the Daily Order Sheet that from 21.1.14, Summons have been issued to the complainant Zorammawia and the victim Phulbawti. Tili date, they have failed to enter appearance thereby already causing undue delay in the trial. Accordingly, considering the conduct of the witnesses, stage of the case, and the antecedents of the accused, I am of the view that reasonable has made out to enlarge the accused on bail.

Accordingly, accused Nobin is enlarged on bail with a bond of Rs. 20,000/- (Rupees twenty 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 furnish 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.

- 5) He shall not act in any manner which could intimidate the victim and her family or disrupt their normal living.

The accused is directed to appear before this Court on 4.6.14.

With the above Order, the 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 21<sup>st</sup> May, 2014**  
**Copy to :-**

1. Accused Nobin through Counsel Mr. W. Sam Joseph, Advocate.
2. PP/Addl. PP/APP, Aizawl.
3. Special Superintendent, Central Jail, Aizawl.
4. DSP (Prosecution), District Court, Aizawl.
5. Registration Section.
6. Guard File.
7. Case record.
8. Calendar Judgment.

**P E S H K A R**