

**IN THE COURT OF THE ADDL. SESSIONS JUDGE  
AIZAWL JUDICIAL DISTRICT : MIZORAM**

Present : Vanlalenmawia,  
Addl. Sessions Judge

**Bail Application No. 114 of 2015  
Arising out of G.R. No. 190 of 2012  
u/s 376(1) IPC**

Sri Zarliana  
S/o Nokhuma,  
R/o Vaphai, Champhai District, Mizoram .....Applicant

-Versus-

State of Mizoram .....Respondent

**APPEARANCE**

1. For the petitioner : Shri R. Thangkanglova, Advocate
2. For the respondent : Shri Joseph Lalfakawma, Addl. P.P.  
Smt. Vanneihsiami, Asst. P.P.

**Date of Order : 5.2.2015**

**ORDER**

1. The present application was filed under Section 439 of Cr PC by accused Shri Zarliana for granting him bail.
2. I heard Shri R. Thangkanglova, learned Counsel for the applicant as well as Shri Joseph Lalfakawma, learned Addl. P.P. assisted by Smt. Vanneihsiami, learned A.P.P. appearing for the respondent State. The Case Record was also placed before me for perusal.
3. The prosecution case, in short, is as follows: On 11.08.2012 one Lalhmingmawii w/o Vanneihkima of Vaphai village, Champhai District lodged F.I.R. with the Officer-in-Charge, Champhai Police Station to the effect that the applicant had committed rape on her

daughter sometime in the months of March to April, as a result of which the victim got pregnant. In the course of investigation, the Case I.O. found a prima facie case against the applicant under Section 376 (1) of I.P.C. Hence, the Case I.O. submitted charge-sheet.

4. According to the learned Counsel appearing for the applicant, there is no ingredient of rape case against the applicant from the evidence of the victim. The learned Counsel submitted that the victim was not unsound mind. He further submitted that since there was a delay in lodging the FIR, the case is very doubtful. He also submitted that the petitioner is the sole bread winner of his family. Hence, the learned Counsel strongly made a prayer for enlarging the applicant on bail.

5. On the other hand, the learned State Prosecutors made strong objection. According to them, the applicant was released on bail. Thereafter, the bail order was cancelled since the applicant had threatened the victim's family. Hence, the learned State Prosecutors made a prayer to refuse bail.

6. After hearing the rival parties, bail is allowed since the prosecution evidence had been closed and the applicant is the sole bread winner of his family. The applicant is therefore directed to furnish a bail bond of Rs. 5,000/- with one reliable surety of the like amount.

7. The bail application is disposed off.

**Sd/- VANLALENMAWIA**  
Addl. District & Sessions Judge  
Aizawl Judicial District, Aizawl

**Memo No.\_\_\_\_/AD&SJ(A)/2015 : Dated Aizawl, the 5<sup>th</sup> Feb', 2015**  
**Copy to: -**

1. Zarliana through Counsel Mr. R. Thangkanglova, Advocate.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. Special Superintendent, Central Jail, Aizawl.
4. Addl. PP/APP, Aizawl.
5. DSP (Prosecution), District Court, Aizawl.
6. Registration Section.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

**P E S H K A R**