

IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE, AIZAWL**Bail Appln. No. 1005/2016**

(Arising out of Kulikawn PS Case No. 53/2016 U/s 395/412/120B/506 of IPC)

Col. Jasjit Singh
 S/o Kulbur Singh
 C/o 457, Field Hospital Unit, Aizawl : Petitioner

Versus

State of Mizoram : Opposite party

Date of Order : 25.7.2016

BEFORE*Shri Vanlalenmawia, Addl. District & Session Judge, Aizawl***PRESENT**

For the Petitioner : Sh. W. Sam Joseph, Advocate
 For the State : Sh. H. Lalmuankima, Addl. PP

ORDER

The application for regularization of bail has been filed by the petitioner.

The case of the petitioner is that he is given ad-interim bail for a period of 60 days with the following conditions shown in the order dated 31.5.2016 passed by Smt. Lucy Lalrinthari, District & Sessions Judge, Aizawl. It is also the case of the petitioner that the co-accused Bulaki Chand Baid and Lalmuanawma Mathipi who are also implicated in the instant case, had been given regular bail by Shri Vanlalmawia, Addl. District & Sessions Judge, Aizawl on 9.6.2016.

The Id. Counsel Shri W. Sam Joseph submits that the petitioner is also entitled to be given regular bail since the other co-accused persons are already given regular bail. According to the Id. Counsel, the non giving of regular bail to the petitioner amounts to inequality before law which is stated in Article 14 of the Constitution of India. The Id. Counsel also submits that the non recovery of gold which is the main cracks of the case is also a vital point for consideration of regular bail application.

On the other hand, the Id. Addl. PP Shri H. Lalmuankima strongly objects regular bail since the Judge who had granted ad-interim bail has to consider the regular bail application.

After hearing the submission of the rival parties and on perusal of the order dated 31.5.2016 passed by the Id. District & Sessions Judge Smt. Lucy Lalrinthari, I am inclined to extend the ad-interim bail passed by the Id. District & Sessions Judge with the same surety and bail bond as shown in the order. It is pertinent to mention here that the Id. District & Sessions Judge is on leave due to kidney transplant of her son and I expect that she will return and join her duty very soon. Hence, the prayer of the petitioner for granting regular bail is rejected at this stage due to the reasons shown above. However, the ad-interim bail granted to the petitioner will continue upto 30.9.2016.

The petition is disposed off.

Sd/- VANLALENMAWIA

Addl. District & Session Judge
Aizawl Judicial District, Aizawl

Memo No:...../AD&SJ(A)/2016 : Dated Aizawl, the 25th July, 2016

Copy to :-

1. Petitioner through Counsel Sh. W. Sam Joseph, Advocate.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. Superintendent of Police, CID (Crime), Aizawl.
4. Ld. Addl. PP.
5. DSP (Prosecution), District Court, Aizawl.
6. G.R. Branch, District Court, Aizawl.
7. Officer-in-Charge, Kulikawn Police Station.
8. Registration Section.
9. Guard File.
10. Case Record.
11. Calendar Judgment.

P E S H K A R