

IN THE COURT OF ADDITIONAL SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS
Additional Sessions Judge,
Aizawl Judicial District, Aizawl.

Anti Bail Application No. 46 of 2016

A/o Kulikawn PS Case No. 53/16 U/S 395/413/120'B'/506 IPC

1. Shri Lalnunfela
S/o Vanlalnghaka
R/o Electric Veng, Aizawl
2. Smt. Lalhmingthangi
D/o Biakliana
R/o BawngkawnApplicant

-Versus-

State of Mizoram.

..Opposite Party.

APPEARANCE

For the State	:	Smt. Lalremthangi, Addl. P.P.
For the accused	:	Shri C. Lalramzauva, Sr. Advocate.
Hearing	:	18.5.2016
Order delivered on	:	19.5.2016

ORDER

The application is filed by the petitioners under Section 438 of Cr PC seeking for bail.

2. In short, the case of the Kolasib Police is that on 24.5.2015, the complainant, who is the Forest Officer, submitted FIR to the Kolasib Police Station to the effect that some miscreants had stolen Pangolin scale (Saphukawr) worth Rs.

1,70,000/- from his custody (Forest Department) at Kolasib at about 12:13 AM to 2:30 AM and made a prayer to take action. Hence, Kolasib Police Station 74 of 2015 was registered by the Officer-in-Charge, Kolasib Police Station and the case was investigated by S.I. Rose Mary. Thereafter, Lalrinchhana S/o Raltawnluia (L) R/o Tuikual South, Aizawl was arrested in connection with commission of offences.

3. The petitioner filed petition before the learned Sessions Judge, Aizawl for pre-arrest bail and the same was transferred to the learned Additional Sessions Judge-3 for disposal. The petition was registered as Anticipatory Bail Application No. 34 of 2015 on 24.7.2015. However, the case was withdrawn by the petitioner with liberty to file afresh on 19.8.2015. Thereafter, the petitioner again filed a fresh petition before the learned Sessions Judge, Aizawl on 19.8.2015 and the same was transferred to me for disposal.

4. I heard the learned Counsel Shri F.Lalengliana appearing for the petitioner. I also heard learned Addl. P.P. Shri Joseph Lalfakzuala assisted by learned A.P.P. Smt. Lalremthangi. The S.I. of Police, Rose Mary was also present with her Case Diary.

5. I perused the case diary produced by SI Rose Mary, who is also the Case I.O. at the time of hearing.

6. The learned Counsel Shri F.Lalengliana submitted that the petitioner came to seek pre-arrest bail since allegation is made against him that he had involvement in connection with Kolasib Police Station Case No. 74 of 2015 under Section 457/380 of IPC and he has reason to believe that he may be arrested in connection with non-bailable offence. According to the learned Counsel, the petitioner is innocent of the charges.

7. The learned Counsel also submitted that the petitioner is 54 years old having high blood pressure and urinary tract infection and had taken medical treatment in Fortis Hospital, Kolkata, Medica Superspeciality Hospital, Kolkata, Institute of Neurosciences, Kolkata and Bethesda hospital and Research Centre, Bawngkawn, Aizawl.

8. The learned Counsel finally submits that the petitioner is a permanent of Ramthar Veng, Aizawl. Any absconding from justice does not arise in the event of his enlargement on bail. He is ready to appear before the investigating agency at any time.

9. On the other hand, the learned Addl. P.P. assisted by the learned P.P., submitted that the police had a strong suspicion upon the petitioner since he sought pre-arrest bail. According to the learned P.P., the petitioner had not approached the Case I.O. despite summons issued upon him.

10. While perusing the Case Diary, I did not find any implication of the petitioner in the instant case. However, I found in the Case Diary that the Case I.O. had issued summons to appear before her, but there is no copy of summons indicating that the petitioner had received the summons.

11. Hence, I do not find any ground to reject the application for pre-arrest bail filed on behalf of the petitioner. Accordingly, the petition is allowed on the following conditions:-

- (i) the petitioner shall make himself available for interrogation by the Case I.O. as and when required;
- (ii) 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 to any police officer;
- (iii) he shall not leave Mizoram without the previous permission of the Chief Judicial Magistrate, Kolasib.

12. If the petitioner fails to comply with the above conditions, the Add. P.P. can file application for cancellation of pre-arrest bail by stating the failure of compliance with the above conditions by the petitioner.

13. The petition is allowed, as indicated above.

Order prepared and delivered in the open court on this 14th day of September, 2015 under my hand and seal.

Sd/-(VANLALENMAWIA)
Addl. Sessions Judge,
Aizawl Judicial District,
Aizawl, Mizoram.