

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE-II,  
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM**

**Bail Appln. No. 253/2016**

(Arising out of Bawngkawn P.S. Case No. 356/2016 u/s 302/307 of IPC)

Shri Thangkhothang Lhungdim @ Thangbawih  
S/o Haukhawthang  
R/o Seling, Mizoram : Petitioner

Versus

State of Mizoram

**Date of Order : 23.2.2017**

**BEFORE**

*Shri Vanlalenmawia, Addl. Session Judge-II,  
Aizawl Judicial District, Aizawl, Mizoram*

**PRESENT**

For the Petitioner : Shri Saurabh Pradhan, Advocate  
For the State : Smt. Lilyparmawii Hmar, Addl. PP  
Ms. Venus H. Zomuankimi, APP

**ORDER**

The petition filed u/s 439 r/w 167 of Cr PC for enlarging the petitioner on bail is heard today.

I have heard the learned Counsel Shri Saurabh Pradhan as well as the learned Addl. PP Smt. Lilyparmawii Hmar assisted by Ms. Venus H. Zomuankimi, APP.

The brief case of the prosecution is that on 13.11.2016 at around 3:30 PM, the accused assaulted his wife Rosy Lalnunsangi (30) and his minor son Isaac Lalrinawma (5) of Seling village, Aizawl District. As a result, the son of the accused died at Thingsulthliah Hospital and his wife Smt. Rosy Lalnunsangi sustained severe injuries, and admitted at Civil Hospital, Aizawl for medical treatment.

The submission of the learned Counsel appearing for the petitioner is that the petitioner was arrested on 14.11.2016 at around 9:30 AM and he was remanded into judicial custody on the same day. According to the Id. Counsel, the petitioner has been put in the judicial custody for more than 90 days. The Id. Counsel submits that the petitioner has the right to be released on bail.

On the other hand, the Id. Addl. PP has prayed to refuse bail.

I also heard the Case IO.

I have perused the Case Record produced before me. As the accused has been detained in the judicial custody for more than 90 days, the accused cannot be detained further as provided by Section 167 of Cr. PC. Hence, the prayer of the Id. Counsel is allowed.

The petitioner is directed to furnish a bail bond of Rs. 1,00,000/- (Rupees one lakh) only with 1(one) reliable Surety to the satisfaction of the Id. Chief Judicial Magistrate, Aizawl. However, the petitioner shall co-operate the Case I.O. in the field of investigation and he shall not leave Aizawl without prior permission of the Id. Chief Judicial Magistrate, Aizawl. Failure to comply the conditions of bail imposed upon the petitioner, the bail order shall stand cancelled.

The petition is disposed off.

Send back the Case Record to the Id. Chief Judicial Magistrate, Aizawl.

Order prepared and delivered in the open court on this 23<sup>rd</sup> day of February, 2016 under my hand and seal.

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

**Memo No:...../AD&SJ(A)-II/2017 : Dated Aizawl, the 23<sup>rd</sup> February, 2017**

**Copy to :-**

1. Shri Thangkhothang Lhungdim @ Thangbawih through Counsel Shri S. Pradhan, Advocate.
2. The Sessions Judge, Aizawl Judicial District, Aizawl.
3. Ld. Addl. PP / APP, Aizawl.
4. The Superintendent of Police, Aizawl District, Aizawl.
5. The Chief Judicial Magistrate, Aizawl District.
6. The Special Superintendent, Central Jail, Aizawl.
7. The Officer-in-Charge, Bawngkawn Police Station.
8. Registration Section.
9. Guard File.
10. Case Record.
11. Calendar Judgment.

**P E S H K A R**