

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

Bail Appln. No. 1/2017

(Arising out of Aizawl PS Case No. 442/2016 u/s 489 B/489 C & 34 of IPC)

Shri C. Laltlanmawia
H/o J.H. Zoramthangi
R/o Thuampui,
Aizawl, Mizoram

: Petitioner

Versus

State of Mizoram

: Opposite party

Date of Order

: **24.1.2017**

BEFORE

Shri Vanlalenmawia, Addl. Sessions Judge-II, Aizawl

PRESENT

For the State

: Smt. Lalremthangi, Addl. PP

For the petitioner

: Shri V.L. Nghata Keivom, Advocate

ORDER

The application filed under Section 439 of Cr PC is disposed off today after hearing the rival parties.

The petitioner's case is that he was arrested by Police on 1.12.2016 in connection with alleged commission of offence under Section 489 B/489 C/34 of IPC. The contention raised on behalf of the accused is that there is no prima facie case against him. According to the Id. Counsel, the petitioner has been falsely implicated in this case. The Id. Counsel Shri V.L. Nghata Keivom submits that the petitioner is advised to undergo regular medical check-up in Greenwood Hospital. He further submits that the petitioner, being a permanent resident of Thuampui, Aizawl, will not abscond from justice and the petitioner is also ready to abide any condition imposed upon him by this Court. The Id. Counsel also submits that the main accused Lairothanga is already released on bail.

Contd...2/-

On the other hand, the Id. Addl. PP has made a strong objection. According to the Id. Addl. PP, the investigation performed by the Case I.O. will be hampered if the petitioner is released on bail.

The Case I.O. has also appeared and produced Case Diary. I have also heard him.

On perusing the Case Diary, I find that 278 nos. of fake Indian currency notes of Rs. 1000 denomination were seized from the possession of the petitioner. According to the Case I.O., the FSL Experts have also confirmed the notes as fake currency.

The Medical Certificate produced before the Court cannot be a ground to release the petitioner on bail since there is no specific fixed date for the petitioner to have medical check-up in the Certificate. The co-accused Lairothanga who was released on bail by the Id. Sessions Judge cannot be at par with the petitioner inasmuch as nothing had been seized from the possession of the co-accused.

After hearing the rival parties, I do not find any ground to release the petitioner on bail. However, if the Id. Chief Judicial Magistrate finds him that the petitioner is not fit to be detained in judicial custody, the Id. Chief Judicial Magistrate can refer him to the Medical Board of Aizawl District for their opinion.

Hence, the petition is rejected at this stage.

Send back the LCR.

Sd/- VANLALENMAWIA

Addl. District & Session Judge
Aizawl Judicial District, Aizawl

Memo No:...../AD&SJ(A)/2017 : Dated Aizawl, the 24th January, 2017
Copy to :-

1. Shri C. Laltlanmawia through Counsel Shri Rualkhuma Hmar, Advocate.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. Chief Judicial Magistrate, Aizawl District, Aizawl.
4. Smt. Lalremthangi, Id. Addl. PP.
5. Officer-in-Charge, Aizawl Police Station.
6. Investigating Officer through Officer-in-Charge, Aizawl Police Station.
7. Registration Section.
8. Guard File.
9. Calendar Judgment.
10. Case Record.

P E S H K A R