

GAHC030003342023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./25/2023

Smt. Zosangzuali
Khuangpuilam, Kolasib, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Johny L Tochwawng

Advocate for the Respondent : Mrs. Linda L Fambawl (Addl.PP, Mizoram)

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

26th June, 2023

Heard Mr. Benjamin Lalthlamuana, learned counsel for the petitioner who submits that by filing this application under Section 439 CrPC read with Section 482 CrPC, the petitioner prays for grant of bail. The learned counsel submits that the petitioner was convicted vide Judgment and Order dated 18.04.2023 passed by the Addl. District & Sessions Judge, Kolasib District, Kolasib in SR No. 3/2020 under Section 21(b) of the ND&PS Act, 1985. Upon convicting her, the learned Trial Court

vide Order dated 24.04.2023 has sentenced the petitioner to undergo Rigorous Imprisonment for a term of 5 years and to pay a fine of Rs. 20,000/- with a default clause. The learned counsel submits that the petitioner in the meantime upon being examined by the Doctor concerned has been advised to undergo knee surgery. The surgery is scheduled to be held on 28.06.2023. The learned counsel submits that although the petitioner has not filed an appeal against the Judgment & Order of conviction, the petitioner through the instant application prays for her release on bail to enable her to undergo surgery scheduled for 28.06.2023.

On 22.06.2023, the learned Addl. Public Prosecutor was asked to obtain instructions and about the status of the petitioner as regards the scheduled operation. Today, the learned Addl. Public Prosecutor, Ms. Mary L. Khiangte submits that although she is yet to receive a written report, she has been informed over phone that the surgery is indeed scheduled for 28.06.2023.

In support of the contention made by the petitioner, the petitioner has also annexed the OPD Card dated 16.06.2023 issued by the Medical Officer, District Hospital, Kolasib, Mizoram at Annexure-5, which goes to show that the petitioner is suffering from certain knee problem and for which, a surgery is scheduled to be done on 28.06.2023. The Medical Doctor has also opined that her condition is critical and therefore, her release from Jail to avail for constant medical supervision is absolutely necessary for the restoration of her health.

Upon considering the submission advanced by the learned counsels for the rival parties and upon perusal of the materials available on record, Court is of the considered view that the prayer for release on bail made by the petitioner to enable her to undergo the knee operation on 28.06.2023 being supported by a medical documents and confirmed by the learned Addl. Public Prosecutor should be allowed.

In view of above and for the ends of justice by invoking the inherent power of this Court, the petitioner is granted bail till 31st July, 2023 for enabling her to undergo

surgery scheduled to take place on 28.06.2023 upon her furnishing a bail bond of Rs. 20,000/- to the satisfaction of the Addl. District Judge, Kolasib, with one surety of the like amount. The petitioner shall surrender herself before the Superintendent, District Jail, Kolasib on 31st July, 2023 without fail to serve the remaining part of the sentence.

The bail application accordingly stands disposed of.

JUDGE

Comparing Assistant