

GAHC030004762023



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

**Case No. : Crl.Rev.P./11/2023**

Monica Pari  
D/o Liankhuma  
R/o Shingngai, Falam District  
Myanmar

**VERSUS**

The State of Mizoram  
Aizawl

**Advocate for the Petitioner** : Mr. Joseph Lalchhanhima Renthlei

**Advocate for the Respondent** : P.P./Addl.PP, Mizoram

**B E F O R E**  
**HON'BLE MR. JUSTICE BUDI HABUNG**  
**ORDER**

**16.10.2023**

Heard Mr. Aldrin Zothanmawia, learned counsel for the petitioner and C.Zoramchhana, learned P.P.

This is an application filed under Section 482 read with section 440 of the Code of Criminal Procedure for reduction / alteration of the bail condition imposed by the learned Special Judge, ND&PS Act, Aizawl vide order dated 12.07.2023 in bail

application No.1173/23.

The learned counsel for the petitioner submits that earlier, the learned Special Judge, ND&PS Act, Aizawl, by an order dated 12/7/2023 passed in Bail Appln No.1173/23, has granted a default bail to the petitioner whereby it was directed that the petitioner be released on bail on execution of a bail bond of Rs. 1,00,000/- (Rupees one lakh) with surety of the like amount, with further condition that the bailer shall be regular Government employee working in Aizawl duly certified to that effect by the concerned controlling authority. It is submitted that despite of granting bail to the petitioner on 12/7/2023, the same could not be executed till date as the petitioner is unable to manage the bailer and the bail amount of Rs.1,00,000/- as prescribed by the Special Court ND & PS Act, Aizawl.

By this application the petitioner seeks for reduction of the bail amount as she is unable to furnish the bail amount of Rs.1,00,000/- (Rupees One lakh) and also unable to produce the bailer who is a Government employee.

Mr. C. Zoranchhana, learned P.P submits that by an order dated 29/9/2023 this court sought for a clarification from the State respondents regarding the question that ***even if the petitioner is released on bail what is the procedure, they will adopt to protect the interest of investigation/trial when the accused herself is not an Indian National,*** but till date he has not received any instructions from the Government. He however, submits that as there is some doubtful about the citizenship of the petitioner, a strict condition may be imposed on her to ensure her

appearance before the Investigating officer/ trial Court.

I have also perused the available documents on record produced before this Court.

As per the record, the accused was granted bail on 12/7/2023 by the Special Court ND&PS Act, 1985 Aizawl, Mizoram but the same could not be executed even after expiry of 3 months of granting bail. This clearly shows that the petitioner is unable to furnish the bail amount for her release. In this regard, the learned counsel for the petitioner further submits that a person cannot be made to suffer and kept under judicial custody continuously for an indefinite period only because her being Indian nationality is doubted. He further submits that there is no any known person of the petitioner at Aizawl who is employee of the government, hence, prays for reduction of bail amount and alteration of the condition.

In view of the above, and having regard to the fact of the present case that the petitioner has already been granted bail by the Special Court ND&PS Act, Aizawl, and also considering that the petitioner is a woman and unable to furnish bail amount as ordered by the Special Court ND&PS, I am of the view, that the prayer for reduction of bail amount and alteration of the bail condition can be considered, so as to enable the petitioner to be released on bail in terms of the order of the Special Court, ND&PS passed in bail Appln. No.1173/23. Accordingly, the bail amount of Rs.1,00,000/-(One lakh) passed in Bail appln. No.1173 is reduced to Rs. 60,000/-. The applicant Smti Monica Pari is directed to be released from jail custody on furnishing a bail bond of

Rs.60,000/- with one surety of like amount. The bailer shall be any Indian citizen who should be a permanent resident of Aizawl, duly certified to that effect by the concerned authority and to the satisfaction of the Special Court, ND&PS Act, 1985, Aizawl; with a further condition that the petitioner shall co-operate and appear before the I.O of the case and trial court as and when called for. The bail bond shall be executed before the Special Court ND&PS Aizawl, Mizoram. Further, the petitioner shall also furnish her personal details and proper address of the bailer in Aizawl. The rest of the bail conditions prescribed in the bail order dated 12/7/2023 shall remain the same.

This petition is allowed to the extent as indicated above and disposed of.

**JUDGE**

**Comparing Assistant**