

GAHC030006862024



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

Case No. : Bail Appln./79/2024

Zonunsanga
Zokhawthar, Champhai District

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Lalngaihsaki Fanai

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

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 08.11.2024

Heard Ms. Lalngaihsaki Fanai, learned counsel for the applicant, who has filed the instant application under Section 483 BNSS to relax/modify the bail conditions imposed by the Judge, Special Court of ND&PS Act, Aizawl District in its Order dated 14.10.2024.

2. The learned counsel submits that bail was granted to the petitioner vide this Court's Order dated 26.09.2024 in Bail Application No. 72/2024, wherein this Court while granting bail had mentioned that the petitioner is granted bail

with a bail bond of Rs. 1,00,000/- and two reliable sureties each with a bonds of the like amount, who shall be to the satisfaction of the learned Special Judge, ND&PS Act. In terms of the said order, the learned Special Court, ND&PS Act had imposed a condition in its Order dated 14.10.2024 at Serial No. 3 "Sureties and the accused shall furnish photocopy of her/his Aadhaar Card/EPIC Card and Family Ration Card."

3. The learned counsel for the petitioner submits that the petitioner is not able to furnish any of these conditions by stating that he does not have his Aadhaar Card or EPIC Card and Family Ration Card due to his religious beliefs, wherein he had refused to get himself registered to obtain the said documents. The learned counsel therefore submits that the said conditions made at Serial No. 3 may be modified.

4. I have also heard Ms. Vanneihsiami, learned Addl. Public Prosecutor, who had accepted notice on behalf of the State respondents.

5. The learned Addl. Public Prosecutor submits that if the said documents cannot be produced, he should be able to produce at least his passport or some other documents.

6. Having heard the submissions made by the learned counsels, for both the parties, this Court finds it appropriate to modify the said Order dated 14.10.2024 at Serial No. 3, in SR No. 417/2023, by adding that the accused may also furnish any other documents duly certified by an appropriate authority or the Village Council that the petitioner is a permanent resident of Zokhawthar village. The said documents shall be subject to the satisfaction of the learned

Special Judge, ND&PS Act.

7. Accordingly, Bail Application No. 79/2024 stands allowed and disposed of as above.

JUDGE

Comparing Assistant