

Party Name : B. LALTHANTLUANGA ON BEHALF OF ACCD. JOSEPH LALZAHAWMA Vs
THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This application for grant of bail has been filed by the applicant Mr. B Lalthantluanga on behalf of accused Mr. Joseph Lalzahawma in connection with Kanchanpur P.S. Case No.78 of 2015 dated 23.8.2015 under Sections 307 and 427 of I.P.C.

The accused applicant claims that he is a Police Constable in Mizoram. He was deputed to come to Tripura along with the Liaison Officer for purposes of identifying BRU refugees who wanted to be repatriated to Mizoram. He has placed on record a copy of order dated 29th May, 2015 issued in this regard. He has also placed on record the identity card showing that he is a member of the Mizoram Police Force.

An FIR was lodged against the accused in which it was alleged that there was a collision between the vehicle being driven by the accused and one 'Tuktuk'(E-Rickshaw). It appears that some altercation took place between the driver of the rickshaw and the accused. According to the driver of the rickshaw, the accused took out a gun from his pocket and put it on the forehead of the complainant. The complainant raised a hue and cry and other people came there and rescued him.

At this stage this Court is not going into the merits of the case but keeping in view the fact that the accused was a member of the police force and there is no case filed against him under the Arms Act, 1959 the possession of the arm is not *per se* illegal. Whether he threatened the complainant with the firearm or not is something to be decided at the time of trial but it appears to me that there was no intention of killing the accused because if he had to kill the accused he just had to pull the trigger and nothing more. Therefore, I am of the considered view that the accused person namely, **Mr. Joseph Lalzahawma** be released on bail on his furnishing bail bond of **Rs.25,000/-(Rupees twenty five thousand)** with two local sureties of the like amount to the satisfaction of the trial Court subject to the following terms and conditions :

- (i) That, the accused person is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witness;
- (iii) The accused is further directed not to cause any hindrance in the investigation;
- (iv) In case the accused person violates any of the conditions or try to delay the trial or does not attend trial the trial Court shall be entitled to cancel the bail granted to the accused person even without reference to this Court.

A copy of this order shall be sent to the Director General of Police, Mizoram who shall ensure that the accused person is made available for trial as and when the dates are fixed. The Director General of Police may inform the Superintendent of Police, North Tripura about some other officer not below the rank of Superintendent of Police in Mizoram who can be contacted in this matter in his place.

The bail application is disposed of in the aforesaid terms.

On the applicant filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the applicant by tomorrow.