

GAHC010104402023



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

Case : Bail Appln./1691/2023

AMAN ALI
S/O TAJIM UDDIN

VILL.- KHUDRAKHOWA

P.S.- KALGACHIA

DIST.- BARPETA
ASSAM
PIN- 781321.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P.

Advocate for : MRS S RAHANA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.05.2023

Heard Mr. A.M. Ahmed, learned Senior Counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam for the State.

2. This bail application has been filed by the petitioner, namely **Aman Ali**, seeking bail in connection with Kalgachia P.S. Case No. 61/2023 under Sections 143/147/148/325/307 of the IPC.

3. The learned counsel for the accused-petitioner submits that an FIR dated 15.04.2023 was lodged by the informant wherein he was shown as one of the accused person. It was alleged that the accused-persons including the petitioner encroached the Patta land and constructed C.I. Sheeted house by showing muscle power. Again on 11.04.2023, these accused persons illegally entered his chilly field armed with dao, axe etc and started to construct the house. When the younger brother of the informant saw the construction of the house and accosted the accused persons, the accused Nos. 3, 6 & 10 started to assault by Rod and other objects on his foot and he fell down. Other relatives who saw the incident rushed forward to prevent the accused persons but the accused No. 8 along with one unknown person caught hold of them and the remaining accused persons assaulted the informant and his relatives with various weapons and tried to kill them, the injured persons became unconscious. With help of the local people, some of the injured were shifted to Barpeta Civil Hospital, Kalgachia but others were referred to FAAMCH, Barpeta for better treatment. At the time of lodging the FIR, all the injured persons were undergoing treatment in the Hospital. Pursuant to the registration of the FIR, the investigations proceeded in the matter and the petitioner was taken into custody in connection

with the said case on 25.04.2023 and since then he has been in custody.

4. The learned Addl. PP submits that in terms of the orders passed by this Court, the case diary is produced. However, the injury report as called for is not available. He prays for further time.

5. The case diary has been carefully perused. It is seen that certain injuries are seen in the medical report stated to have been received by the relatives of the informant. In spite of opportunities granted, the injury report as called for has not been made available but perusal of the case diary otherwise does not reveal any such incriminating materials at this stage of investigation in so far as the petitioner is concerned.

6. Considering the period of detention undergone by the petitioner as well as upon due perusal of the case diary, this Court is of the view that further custodial detention of the petitioner in connection with the investigation is not necessary. The petitioner can be released on bail forthwith.

7. Therefore, the accused-petitioner, named above, shall be released on bail in connection with the aforementioned case, on furnishing a bail bond of Rs. **25,000/-** (Rupees Twenty Five Thousand) with one local surety of like amount to the satisfaction of the Court of CJM, Barpeta, subject, of course, to the following conditions:

(i) That the accused-petitioner shall appear before the competent Court on each and every date as and when required;

(ii) That the accused-petitioner shall not hamper or tamper with the investigation in any manner;

(iii) That the accused-petitioner shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iv) That the accused-petitioner shall not move out the jurisdiction of the Competent Court without permission.

8. Accordingly, the bail application stands disposed of.

9. Return the case diary.

JUDGE

Comparing Assistant