

GAHC010228782023



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

**Case No. : Bail Appln./3660/2023**

AMBOR ALI AND ANR  
S/O LATE SEKAM ALI  
R/O NO 2 KANDHBARI  
P.S. MUKALMUA  
P.S. MUKALMUA  
DIST. NALBARI, ASSAM  
MOBILE NO. 9859043615

2: MIYACHAND ALI  
S/O EKKABAR ALI @ EKABBAR ALI  
R/O NO 2 KANDHBARI  
P.S. MUKALMUA  
P.S. MUKALMUA  
DIST. NALBARI  
ASSAM  
MOBILE NO. 985904361

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A ALI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 02.11.2023**

Heard Mr. A Paramanik, learned counsel for the petitioners and Ms. A Begum, learned Addl. Public Prosecutor for the State respondent. Also heard Mr. T Ahmed, learned counsel for the informant.

This bail application under Section 439 of the Code of Criminal Procedure, 1973, has been filed by the petitioners, namely, **1. Ambor Ali** and **2. Miyachand Ali** who have been detained behind the bar since arrested on 29.09.2023 in connection with **Mukalmua PS Case No. 503/2023** under Sections 143/147/148/447/323/325/307/427 of the of the Indian Penal Code, 1860.

The gist of the accusation against the present petitioners is that on 28.09.23, one Mr. Abdul Latif lodged an FIR before the Officer-In-Charge of Mukalmua Police Station, naming 11(eleven) numbers of accused persons in the FIR including the present petitioners, alleging *inter-alia*, that when the younger brother of the first informant was supervising the construction of 30 No. Model Govt. Anganwadi center situated at village No.2 Kandhbari, the accused persons armed with deadly weapons chased the younger brother of the first informant as well as the masons and the labourers who were engaged in the construction work and they also assaulted the younger brother of the first informant, namely, Lokman Ali with sharp weapon with an intention to kill him. It is also alleged in the FIR that younger brother of the first informant was admitted in the Mukalmua PHC in a critical condition and an amount of Rs.19,000/- was also missing from his pocket.

The learned counsel for the petitioners submits that the first informant along with other accused persons tried to forcefully built the house in the exit and entry in their house and when they resisted, the sister-in-law of the first informant, namely, Rahima Begum was

assaulted along with the son of the first informant.

The learned counsel for the petitioner submits that there is clash between two groups regarding construction of Anganwadi Center over a disputed plot of land and the learned counsel for the petitioners also submits that the petitioners are detained behind the bar for 35 days and as such, considering the period of detention, they may be allowed to go on bail.

On the other hand, Mr. T Ahmed, learned counsel for the informant vehemently opposes the grant of bail to the present petitioners on the ground that the injured suffered injury on his private parts and there was an attempt to kill the injured Lokman Ali. The learned counsel for the informant further submits that the first informant is being pressurized to withdraw the present case and they apprehend that if the accused petitioners are released on bail, the witnesses of the case would be threatened.

The learned Add.Public Prosecutor on the other hand has produced the case diary of Mukalmua PS Case No. 503/2023 and has submitted that though there are incriminating materials against the accused petitioner in the case diary, however, injury report reveals that the injuries sustained by the injured is simple in nature.

I have considered the submission made by the parties as well as perused the case diary .

From the materials available on record, it appears that there was a clash between two groups over construction of Anganwadi Center over a disputed plot of land in which both sides suffered injuries.

However, considering the fact that the injured Lokman Ali only suffered simple injury as well as considering the fact that in the meanwhile the Investigating Officer has recorded the statement of relevant witnesses and also considering the fact that the present petitioners have undergone 35 days of detention, the prayer for bail is hereby granted.

Accordingly, it is provided that petitioners, **1. Ambor Ali** and **2. Miyachand Ali** shall be released on **bail** in connection with the above noted case on furnishing bail bond of **Rs.30,000/- each** with one surety of like amount to the satisfaction of the **learned CJM,**

**Nalbari**, subject, of course, to the following conditions:

- (i) That both the petitioners shall appear before the Investigating Officer **every week for the next 4(for) weeks** and shall co-operate with the investigation.
- (ii) That both the petitioners shall not, directly or indirectly, make any inducement, threat or promise to the witnesses, victim or any other person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Investigating Officer

With the above directions, the bail application stands disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**