

GAHC010117792024



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

Case No. : Bail Appln./1726/2024

MANNONG MOSSANG AND ANR
S/O- SRI LEMKOM MOSSANG, R/O- RENUK BASTI, MANMAO, P.S.
MANMAO, DIST. CHANGLANG, ARUNACHAL PRADESH.

2: MONKUL MOSANG @ MANKHUL MOSSANG
S/O- SRI LEMKOM MOSSANG
R/O- RENUK BASTI
MANMAO
P.S. MANMAO
DIST- CHANGLANG
ARUNACHAL PRADESH

VERSUS

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

Advocate for the Petitioner : MR. B BARUAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

16.07.2024

Heard Mr. B. Baruah, learned counsel appearing for the accused petitioners as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **Mannong Mossang and Monkul Mosang @ Mankhul Mossang**, have prayed for grant of bail in connection with **Margherita P.S. Case No.38/2024 (G.R. Case No. 113/2024)** under Sections **326/307/427/120(B) of IPC read with Section 25(1-A) of Arms Act and Sections 10/13 of Unlawful Activities Prevention Act.**

It is submitted by the learned counsel for the petitioners that both the accused petitioners have been languishing in judicial custody for last 84 days since their arrest on 22.04.2024. He further submitted that they are innocent and no way connected with the alleged offences. They were arrested merely on suspicion of harboring the real offenders as per the allegations in the case. It is further submitted that the petitioners are the local villagers who are doing cultivation and farming in their village. The petitioner No.2 was made accused on suspicion on receiving a phone call from a suspicion person. It is also submitted that the petitioners have no connection with the band originations like NSCN, ULFA, hence, considering the length of detention, the petitioners may be enlarged on bail.

In response, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submits that sufficient incriminating materials are found in the case diary regarding the involvement of the petitioners with the extremist organizations like NSCN and ULFA. Learned Additional Public Prosecutor, therefore, prays for dismissal of the bail application.

Perused the case diary including the statement of the witnesses recorded under Section 164 Cr.P.C. On perusal of case diary, it reveals that the petitioner, Monkul Mosang received a phone call from a number 6009023360 and subsequently, he sent his brother i.e. another petitioner Mannong Mosang to help the insurgent group who were hiding in their village. They also informed

the insurgent group that Army was coming towards the place where they were hiding and asked them to escape soon.

Apparently, the allegation against the present petitioners is that they used to help the extremists to flee away from the place in the event of arrival of the Army or the police personnel. It is not reflected from the case diary how they are connected with the alleged offence in connection with Margerita PS Case No. 38/2024, under Sections 326/307/427/120(B) IPC read with Sections 25(1-A) of Arms Act and Sections 10/13 of UA(P) Act.

As per FIR on 16.04.2024 a convoy comprising the strength of one Junior Commissioned Officer and 16 other ranks including two Tata 407 and one Tata 1212 vehicle of 31 Assam Rifles while moving from Changlang to Soha, was ambushed by UG Group at around 8 hours at Makumpani forest range near Namdung Colliery, Margherita Changlang road under Tinsukia district of Assam. Due to the alleged incident Havildar Om Prakask sustained gunshot injury. Except the CDR analysis, the IO has failed to collect any incriminating material against the present petitioners till today. The 164 Cr. P.C. statement also does not reflect anything in respect of involvement of the present petitioners in the instant case.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.1,00,000/- each** with **two suitable sureties each** of the like amount, out of which one of the surities must be a government employee of Assam, to the satisfaction of learned **SDJM, Margherita,**

Tinsukia.

The direction for bail is further subject to the conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of learned SDJM, Margherita, Tinsukia without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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.
- (d) It is made clear that in addition to the conditions that may be imposed by the Jurisdictional Magistrate, the petitioners shall be required to appear before the I/O on an interval of 10 days in a month till completion of investigation. In case the petitioners are found to be involved in future in any other similar case, the respondent/State shall be at liberty to seek cancellation of bail granted to them by this Court.

In terms of the above, this bail application stands disposed of.

Case diary be returned back.

JUDGE

Comparing Assistant