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2026:GAU-AS:1807

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

Case No. : AB/2790/2025

MOCHEB ALI SHEIKH ALIAS MOSEB ALI
S/O-LATE JOYANUDDIN SK VILL-SALMARA PO- ROWKHOWA,_PS-CHUNARI DIST- GOALPARA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR TO THE GOVT. OF ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, MR Z RAHMAN,MR S PRODHANI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.02.2026

Heard Mr. T. J. Mahanta, learned Senior Counsel assisted by Mr. Z. Rahman, learned counsel for the accused-applicant. Also heard Mr. R. J. Baruah, learned Addl. P.P., representing the State.

2. This is an application filed under Section 482 of BNSS, 2023 by the petitioner, namely, Mocheb Ali Sheikh @ Moseb Ali, seeking pre-arrest bail in connection with

Chunari P. S. Case No. 05/2025, registered under Sections 189(4)/190/191(2)/117(2)/109/118(2)/103 (1) of the BNS, 2023.

3. The allegation as reflected in the FIR is that on 13/09/2025, one Golam Osmani, a resident of village Kistomoni Char had lodged a written ejahar at Chunari Police Station alleging that on 12/09/2025 at about 6:30 AM, some persons, namely, Monowar Hussain, Abdul Sattar, Bondesh Ali, Moinuddin, Nuruddin, Akab Ali, Sahar Ali, Juran Ali & Surhab Ali went to cultivate black lentils at village Roukhowa RBNC part IV in an area of 25 bighas of land and when they were cultivating, the FIR named accused persons equipped with deadly weapons like lathis, rods, daos, swords and other sharp weapons went to the place and attacked them causing grievous injuries to all the above named persons. Two persons, namely, Monowar Hussain and Abdus Sattar @ Sattar Ali were taken to Lakhipur Hospital in critical condition but they were declared as brought dead.

4. On the basis of the said ejahar, a case being Chunari P. S. Case No. 05/2025, under Sections 189(4)/190/191(2)/117(2)/109/118(2) /103(1) of the BNS, 2023 has been registered against 27 nos. of accused persons along with some others.

5. The learned Senior Counsel appearing for the accused applicant submits that the accused applicant is the headmaster of a single teacher school and on the day of occurrence, he was attending a meeting held in the school premises and he was present in the said meeting along with other members of the committee of the aforesaid school. In this connection, a resolution of the said meeting has also been annexed in the application. He further submits that there is no specific allegation against the accused applicant and the FIR has been lodged by the informant naming all the male members of the village, which got into a clash with the people of the village of the informant. He submits that after considering the materials as well as hearing the submission of the counsel appearing for the respective parties, a Co-ordinate Bench of this Court has granted interim bail to the accused-applicant, vide it's order dated 27.11.2025. He

submits that in terms of the aforesaid order, the accused-applicant has already appeared before the investigating officer. He submits that the accused-applicant being a Headmaster of the school, he is in no way linked to the alleged offence narrated in the FIR. He submits that the accused-applicant shall fully cooperate with the investigation in the instant case. Therefore, he prays that the interim bail order so passed earlier should be made absolute.

6. On the other hand, the learned Addl. P.P., submits that there are incriminating materials about the involvement of the accused-applicant in the offence alleged in the FIR. Therefore, the interim bail so granted, vide order dated 27-11-2025, should not be made absolute at this stage.

7. The case diary relating to the Chunari P.S. Case No. No. 05/2025 is produced before this court and the same has been perused.

8. After perusal of the materials available in the case diary and taking into account of the fact that the accused-applicant has already been co-operating with the investigation, this court is of the opinion that the interim bail so passed earlier, vide order dated 27-11-2025 should be made absolute. Accordingly, the interim order passed by the co-ordinate Bench of this court, vide order dated 27-11-2025 is hereby made absolute on the same terms and conditions provided therein.

9. In view of the aforesaid directions, the instant anticipatory bail application is disposed of as allowed.

10. Case Diary to be sent back immediately.

JUDGE

Comparing Assistant