

GAHC010202202024



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

Case No. : I.A.(Civil)/3143/2024

MANOWARA BEGUM
W/O- KAJI BEN,
D/O- SUBAHAN ALI, @SUBAHAN SHEIKH @SHOBAHAN SHEIKH,
R/O- VILLAGE- NICHANAR CHAR,
P.O- KALAIRDIA,
P.S- BAGHBAR, DIST- BARPETA, ASSAM, PIN-781127

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE JOINT SECRETARY TO THE MINISTRY OF HOME AFFAIRS,
GOVT. OF INDIA, SASTRI BHAWAN, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE SUPERINTENDENT OF POLICE (B)
BARPETA
ASSAM

4:THE DEPUTY COMMISSIONER
BARPETA
ASSAM

5:THE NATIONAL REGISTER OF CITIZENS
REP. BY THE STATE COORDINATOR
ASSAM
1ST FLOOR
ACHYUT PLAZA
G.S ROAD.
BHANGAGARH

GUWAHATI-05
DIST- KAMRUP (M)

6:THE ELECTION COMMISSION OF INDIA
REP. BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-11000

Advocate for the Petitioner : MR N N UPADHYAYA, MR. B B KAKATI,MR. D K BAGCHI

Advocate for the Respondent : DY.S.G.I., SC, F.T,SC, ECI,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25.11.2024
(K.R. Surana, J)

Heard Mr. R. Dhar, learned counsel for the applicant. Also heard Mr. A.K. Dutta, learned CGC for the opposite party no. 1; Mr. G. Sarma, learned standing counsel for the F.T. and Home Department for the opposite party nos. 2, 3 & 5; Mr. P. Sarmah, learned Additional Senior Government Advocate, Assam for the opposite party no. 4; and Mr. A.I. Ali, learned standing counsel for the Election Commission of India for the opposite party no. 6.

2. Mr. Dhar, learned counsel appearing for the applicant has submitted that he has filed his Vakalatnama on 22.11.2024. If that is so, the said Vakalatnama be tagged with the case records.

3. By filing this interlocutory application, the applicant is seeking release/bail from the detention camp at Matia, Goalpara, where she is detained since 02.09.2024 pursuant to the order/opinion dated 11.01.2022, passed by the

learned Member, Foreigner's Tribunal No. 6, Barpeta in F.T. Case No. 698/2016 (Reference Case No. 10593/1998).

4. The prayer for bail is opposed by the learned standing counsel for the Home Department on the ground that after the opinion dated 11.01.2022, the applicant could not be found and she could be apprehended only after a lot of effort from the concerned police authorities. It is submitted that if the bail is granted to the applicant, it is very likelihood that the applicant may abscond.

5. Considering that the applicant has been taken into custody since 02.09.2024 and has suffered detention for about 2 (two) months, the Court is of the considered opinion that in view of the period of custody already suffered, the applicant, namely, Manowara Begum be released on bail the following conditions:

a. The family members of the applicant shall appear before the Superintendent of Police (Border), Barpeta and furnish bail bond of Rs.5,000/- (Rupees five thousand only) along with one surety of like amount to the satisfaction of the said authority.

b. Before the releasing the applicant on bail, the Superintendent of Police (Border), Barpeta shall obtain the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner.

c. The said authority shall also obtain necessary information and documentation as required under the Rules from the applicant for securing her presence.

6. Thereafter, steps shall be taken by the Superintendent of Police (Border),

Barpeta to have the applicant released from the detention centre within 3 (three) days from the date of receipt of certified copy of this order, the Superintendent of Police (Barpeta) shall take necessary steps to have the applicant, Manowara Begum released from the Transit Camp, Matia, Goalpara.

7. As a further condition of bail, the applicant is directed not to leave the territorial jurisdiction of Superintendent of Police (Border), Barpeta without prior written intimation to the said authority, failing which, it would be open to the Superintendent of Police (Border), Barpeta to move this Court for cancellation of bail.

8. This interlocutory application stands allowed.

JUDGE

JUDGE

Comparing Assistant