

GAHC010215722024



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

Case No. : I.A.(Civil)/3287/2024

ABDUL SATTAR
S/O- LATE ABDUL SALAM, VILL.- DHANANJAI DUBA, P.S. KAMPUR, DIST.
NAGAON, ASSAM, PIN- 782425.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DEPUTY COMMISSIONER
NAGAON
DIST. NAGAON
ASSAM
PIN- 788001.

4:THE SUPERINTENDENT OF POLICE (B)
NAGAON
ASSAM
PIN- 788001.

5:THE ELECTION COMMISSION OF INDIA
NEW DELHI-110001.

6:THE STATE CO-ORDINATOR

NATIONAL REGISTER OF CITIZENS (NRC)
BHANGAGARH
PIN- 781032

Advocate for the Petitioner : MR. A M AHMED, B DAS

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

08.11.2024

(K.R. Surana, J)

Heard Mr. A. M. Ahmed, learned counsel for the petitioner. Also heard Mr. S. P. Choudhury, learned CGC representing respondent no. 1; Mr. G. Sharma, learned Standing Counsel for the Home Department representing respondent nos. 2 and 4; Mr. R. Talukdar, learned Govt. Advocate representing respondent no.3; and Ms. S. T. Khan, learned counsel appearing on behalf of Ms. P. Barua, learned Standing Counsel for ECI representing respondent no.5. None appears on call for respondent no.6.

2. This interlocutory application has been filed for releasing the petitioner, namely, Abdul Sattar on bail. The applicant was arrested on 11.09.2024 pursuant to ex-parte opinion dated 24.07.2024, passed by the

learned Member, Foreigners Tribunal No.9th, Nagaon, in F.T. Case No.120/2020, arising out of S.P. Case No.383/2012 as well as order dated 11.09.2024, passed by the said learned Tribunal in Misc. Case No. 02/2024, thereby dismissing the review petition.

3. The learned Standing Counsel for the Home Department opposes the prayer for bail on the ground that the petitioner has been taken into custody after the learned Tribunal had declared the applicant to be a Foreigner and not an Indian citizen.

4. On consideration that the applicant, who is the writ petitioner in the connected writ petition, was arrested pursuant to opinion dated 15.07.2013 passed by the learned Member, Foreigners Tribunal No.9th, Nagaon in F.T. Case No.58/2010 and also on considering that as the matter requires determination, it would be appropriate to grant bail to the petitioner by providing that the family members of the applicant shall furnish a certified copy of this order before the Superintendent of Police (Border), Nagaon and upon being furnished with the same, within 3 (three) working days, the Superintendent of Police (Border), Nagaon shall do the needful to take into his custody, the petitioner, namely, Abdul Sattar, from the Jailor/In-charge of the detention camp, Matia, Goalpara.

5. Accordingly, the petitioner, namely, Abdul Sattar, shall also furnish a bail bond of Rs. 5000/- (Rupees five thousand only) with one local surety of the like amount to the satisfaction of the Superintendent of Police (Border), along with the certified copy of this order.

6. Further, the Superintendent of Police (Border), Nagaon is directed that on production of the petitioner within the period indicated above, the biometrics of the iris of both eyes, the fingerprints of both hands and the photographs of the petitioner shall be obtained, whereafter, he shall be allowed to remain on bail.
7. On production of the petitioner before the Superintendent of Police (Border), Nagaon, as directed above, the said authority shall obtain necessary information and documentation as required under the Rules from the petitioner for securing his presence.
8. On release of petitioner on bail, he is prohibited from leaving the territorial jurisdiction of the Superintendent of Police (Border), Nagaon without prior written intimation.
9. The learned counsel for the petitioner shall inform the Court on the next date if the petitioner has taken bail.
10. Accordingly, this interlocutory application is allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant