

GAHC010235092024



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

Case No. : I.A.(Civil)/3431/2024

KADER PARAMANIK
SON OF LATE MAKBAR ALI @ MAGBAR ALI @ MAGAR ALI AND LATE
TARABHANU
PERMANENT RESIDENT OF VILLAGE- SATRAKANARA (GOBINDAPUR
RESERVE)
MOUZA- MANDI
POLICE STATION- BAGHBAR
DISTRICT- BARPETA
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI
PIN- 110001

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI- 110001

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE DISTRICT COMMISSIONER
BARPETA
ASSAM

PIN CODE- 781315

5:THE SUPERINTENDENT OF POLICE (B)
BARPETA
PIN CODE- 781315
ASSAM

6:THE COORDINATOR
NATIONAL REGISTER OF CITIZENS
BHANGAGHAR
GUWAHATI- 781004

Advocate for : MS N DEKA MR D K AGARWAL
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS

BEFORE

HON'BLE MR. JUSTICE KALYAN RAI SURANA

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.12.2024

(K. R. Surana, J.)

Heard Mr. D. K. Agarwal, learned counsel for the applicant. Also heard Ms B Sarma, learned CGC, appearing for respondent No. 1, Mr. H. Kuli, learned counsel appearing on behalf of Mr. A. I. Ali, for respondent No. 2, Mr. G. Sharma, learned Standing Counsel for the Home Department and FT matters, representing respondent Nos. 3, 5 and 6, and Mr. R. Talukdar, learned Government Advocate, appearing for respondent No. 4.

2. By filing this interlocutory application, the applicant, Kader Paramanik, who is the petitioner in the connected writ petition, is seeking his release from the Transit Camp, Matia, Goalpara, where he is presently detained since his arrest on 07.08.2024, pursuant

to the opinion dated 15.11.2021, passed by the learned Member, Foreigners' Tribunal No. 4, Barpeta, in FT Case No. 78/2018, arising out of IM(D)T Case No. 7703/98, by which the applicant was declared to be a foreigner of post 25.03.1971 stream.

3. Pursuant to order dated 11.11.2024, passed by this Court in the connected writ petition, the record of the Tribunal was called for. The same is received. Perused the same for the purpose of considering this interlocutory application for bail.

4. The materials available in the case record require further examination.

5. The learned Standing Counsel for the Home Department and FT matters has opposed the prayer for bail.

6. On a consideration that the applicant was apprehended and detained since 07.08.2024 and since then he is in detention for about 4 (four) months, this Court is of the considered opinion that the applicant may be released on the following conditions:-

- i) 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 the like amount and also produce a certified copy of this order.
- ii) Further, within 3 (three) days from the submission of the certified copy of this order and furnishing of bail bond, the Superintendent of Police (Border), Barpeta, shall take steps to take the applicant, namely, Kader Paramanik, into his custody.

- iii) On securing the custody of the applicant, the Superintendent of Police (Border), Barpeta, shall obtain the biometrics of the iris of both eyes and the fingerprints of both hands and the photographs of the applicant recorded and usual undertaking to appear before the Tribunal.
 - iv) The said authority shall also obtain necessary information and documentation as required under the Rules from the applicant for securing his presence. Thereafter, the applicant shall be allowed to go on bail.
 - v) As a condition for bail, it is provided that the applicant shall not leave the territorial jurisdiction of the Superintendent of Police (Border), Barpeta, without prior written intimation, failing which, it would be open to the said authority to move this Court for cancellation of bail.
7. Accordingly, this interlocutory application stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant