

GAHC010247452024



AS:11897-DB

2024:GAU-

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

Case No. : I.A.(Civil)/3602/2024

MD. MAKSHED ALI @ MAKSED ALI @ MUSKET ALI
S/O- LATE JULHAS ALI @ JULAHACH ALI, R/O- SALAIPARA NO. 2, P.S.
MANGALDAI, DIST. DARRANG, ASSAM, PIN- 784529 AND PRESENTLY
RESIDING AT VILL- SIDHAKHOWA, P.S. ROWTA, DIST. UDALGURI, BTR,
ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, NEW DELHI-1.

2:THE ELECTION COMMISSION OF INDIA
NEW DELHI-1.

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

4:THE STATE CO-ORDINATOR OF NRC
BHANGAGARH
ASSAM
GUWAHATI-05.

5:THE DEPUTY COMMISSIONER
DARRANG
ASSAM
PIN- 784125.

6:THE SUPERINTENDENT OF POLICE (B)
DARRANG
ASSAM
PIN- 784125.

7:THE OFFICER-IN-CHARGE
MANGALDAI POLICE STATION
DIST. DARRANG
ASSAM
PIN- 784125.

8:TUN RAJKHOWA
ADVOCATE AT GAUHATI HIGH COURT BAR ASSOCIATION
GUWAHATI

Advocate for the Petitioner : MR. M U MAHMUD, MS. D BORA,MS. B CHETIA,MR S ISLAM,MR S H MAHMUD,MRS. M SAIKIA

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

Linked Case : WP(C)/3960/2024

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GUWAHATI.

Advocate for : MR. M U MAHMUD
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 7 ORS

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

ORDER

29.11.2024

(K.R. Surana, J)

Heard, Mr. M. U. Mahmud, learned counsel for the applicant. Also heard Mr. P. K. Medhi, learned CGC representing respondent no.1; Ms. P. Baruah, learned Standing Counsel representing respondent no.2; Mr. G. Sharma, learned Standing Counsel for the Home Department and FT matters representing respondent nos. 3, 4, 6 and 7; and Mr. P. Sarmah, learned Senior Govt. Advocate representing respondent no.5.

2. In view of order dated 17.09.2024, the issuance of notice on respondent no.8 is exempted.

3. By filing this interlocutory application, the applicant who is a proceedee before the learned Foreigner's Tribunal (1st), Mangaldai, Darrang in connection with F.T. Case No.1171/12 (reference Case No.432/12), has stated he was taken into custody on 22.07.2024, pursuant to opinion dated 28.12.2022 and is presently lodged at Transit Camp, Matia, Goalpara, and has accordingly, prayed for being released on bail.

4. It is projected in this application that the applicant is not in good health and that he was initially referred to Civil Hospital, Goalpara for treatment, where he was treated for last 7 (seven) days and then he was referred to GMCH, where he was kept for 5 (five) days and he has been advised to undergo

surgery, purportedly for gall-bladder.

5. By order dated 25.11.2024, the learned Standing Counsel for the Home Department and FT matters was requested to obtain the status of health of the applicant including the current health status as well as information as to the reason for the applicant's admission in the Civil Hospital, Goalpara on 19.09.2024.

6. Accordingly, the learned Standing Counsel for the Home Department and FT matters has submitted that he is instructed to inform the Court that the applicant is suffering from gall-bladder ailment and is advised to undergo surgery.

7. In that view of the matter, the Court is inclined to grant bail to the applicant on following conditions:

a) The family members of the applicant shall furnish a bail bond of Rs.5000/- (Rupees five thousand only) along with one surety of like amount before the Superintendent of Police (Border), Mangaldai, Darrang on behalf of the applicant, namely, Md. Makshed Ali @ Maksed Ali @ Musket Ali to the satisfaction of the said authority.

b) Further, within 3 (three) days from the submission of the certified copy of this order, as well as bail bond, the Superintendent of Police (Border), Mangaldai, Darrang, shall do the needful to take the applicant in his custody.

c) On securing the custody of the applicant, the Superintendent of Police (Border), Mangaldai, Darrang, 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.

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

b) Within 3 (three) days from the receipt of a certified copy of this order as well as furnishing of the bail bond, the Superintendent of Police (Border), Mangaldai, Darrang shall take appropriate steps for having the applicant released on bail.

8. On release of applicant on bail, he is prohibited from leaving the territorial jurisdiction of the Superintendent of Police (Border), Mangaldai, Darrang without prior written intimation.

9. Accordingly, this interlocutory application stands allowed and disposed of on conditions as indicated above.

JUDGE

JUDGE

Comparing Assistant