

GAHC010270012022



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

Case No. : WP(C)/129/2023

MD. KHALEK ALI @ ABDUL KHALEK
S/O- ABDUL SAMAD, R/O- VILL- RAKHYASINI PT-I (JUNGLE BLOCK), P.S.
MORNAI, DIST.- GOALPARA, ASSAM

VERSUS

UNION OF INDIA AND 5 ORS
REP. BY THE SECY. TO THE MINISTRY OF HOME AFFAIRS, GOVT. OF
INDIA, SHASTRI BHAWAN, TILOK MARG, NEW DELHI-1

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

3:THE DY. COMMISSIONER OF GOALPARA
P.O. AND DIST.- GOALPARA
ASSAM
PIN- 783101

4:THE SUPERINTENDENT OF POLICE (B)
GOALPARA
P.O. AND DIST.- GOALPARA
ASSAM
PIN- 783101

5:THE ELECTION COMMISISONER OF INDIA
NEW DELHI-1

6:THE STATE CO-ORDINATOR OF NRC
ASSAM

BHANGAGARH
GHY-

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : DY.S.G.I.

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

09-01 -2023

[N. Kotiswar Singh, J]

Heard Mr. A.R. Sikdar, learned counsel for the petitioner.

Issue notice, returnable within 4(four) weeks.

Ms. L. Devi, learned counsel appearing on behalf of Mr. RK Dev Choudhury, learned Deputy SGI, accepts notice on behalf of respondent no.1; Mr. G. Sarma, learned Special Counsel, F.T. accepts notice on behalf of respondent no.4; Mr. A.I. Ali, learned Standing Counsel, ECI, accepts notice on behalf of respondent no.5, Ms. L. Devi, learned Standing Counsel, NRC accepts notice on behalf of respondent no.6 and Ms. U. Das, learned State Counsel, Assam, accepts notice on behalf of respondent nos.2 & 3.

As the respondents are duly represented, no formal steps are called for in respect of the respondent. However, extra copies be furnished to learned counsel appearing for the respondents.

Registry will call for the records in respect of F.T. Case No.FT (G-4)M/263/18 (Ref. FT Case No.463/2010) from the Foreigners Tribunal No.4, Goalpara, Assam.

In the meantime, if the petitioner has not yet been detained on the strength of the order dated 31.08.2022 passed by the learned Member, the Foreigners Tribunal No.4, Goalpara, Assam, in F.T. Case No.FT (G-4)M/263/18 (Ref. FT Case No.463/2010), the petitioner shall not be taken into custody and deported from India.

However, the petitioner shall appear before the Superintendent of Police (Border), Goalpara within 15(fifteen) days from today, who may obtain necessary information and documentation as required under the rules from the petitioner for securing his presence. On such appearance, the petitioner shall furnish a bail bond of Rs. 5,000/- (Rupees five thousand) only with one local surety of the like amount to the satisfaction of the said authority, whereafter, the petitioner shall be allowed to remain on bail. The concerned Deputy Superintendent of Police (Border) shall also take steps for capturing the fingerprints of both hands and biometrics of the iris of the petitioner. The petitioner also shall not leave the jurisdiction of Goalpara district without furnishing the details of the place of destination and his place of stay to the Superintendent of Police (Border), Goalpara including relevant contact/mobile number.

It is made clear that failure on the part of the petitioner to provide relevant mobile/contact number will warrant recalling of this bail order.

List the matter in admission column after receipt of records.

JUDGE

JUDGE

Comparing Assistant