

GAHC010152902020



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

Case No. : WP(C)/5226/2020

UTTAM CHAKRABORTY
S/O- KHOKARANJAN CHAKRABORTY (KHUKA RANJAN CHAKRABORTY
AS SPELT IN THE RFT CASE), R/O- VILL- NO 1 TULSIBARI, P.S. RANGIA,
DIST.- KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY THE SECY. TO THE DEPTT. OF HOME AFFAIRS, NEW DELHI

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

3:THE SUPERINTENDENT OF POLICE (B)
KAMRUP
DIST.- KAMRUP
ASSAM

4:THE SUPERINTENDENT OF POLICE
KAMRUP
DIST.- KAMRUP
ASSAM

5:THE STATE CO-ORDINATOR
NATIONAL REGISTRAR OF CITIZENS
ASSAM
BHANGAGARH
GHY

6:THE STATE CHIEF ELECTION COMMISSIONER
ASSAM
GUWAHAT

Advocate for the Petitioner : MR. M DUTTA

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

BEFORE

**HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

09-04-2021

[N. Kotiswar Singh, JJ]

Heard Mr. M. Dutta, learned counsel for the petitioner.

Issue notice, returnable within 4 (four) weeks.

Mr. P.S. Lahakar, learned CGC accepts notice on behalf of respondent No.1; Mr. G. Sarma, learned special counsel, F.T. accepts notice on behalf of respondent Nos., 2, 3 & 4, Mr. A. Bhuyan, learned standing counsel, ECI, accepts notice on behalf of respondent No.6 and Ms. L. Devi, learned standing counsel, NRC accepts notice on behalf of respondent no.5.

No formal steps are called for in respect of respondents, as they are duly represented. However, extra copies be furnished to the learned counsel appearing for the respondents.

Registry will call for the records of RFT Case No.47/2015 (Corresponding to P.S. Case No.208/2014) from the Foreigners' Tribunal No.5, Kamrup(Rural), Rangia, Assam.

Learned counsel for the petitioner submits that the petitioner has not yet been

detained on the strength of the impugned order dated 10.01.2020 passed in RFT Case No.47/2015 (Corresponding to P.S. Case No.208/2014) by the Foreigners' Tribunal No.5, Kamrup(Rural), Rangia, Assam.

In that view of the matter, in the meantime, the petitioner, if not already arrested, may not be arrested and deported from India. However, the petitioner shall appear before the Superintendent of Police (Border), Kamrup(R) 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) with one local surety of the like amount to the satisfaction of the said authority in the connection with F.T.4th Case No.275/SPR/2017, whereafter, the petitioner shall be allowed to remain on bail. The concerned Superintendent of Police (Border), Kamrup(R) shall also take steps for capturing the fingerprints and biometrics of the iris of the petitioner, if so advised. The petitioner also shall not leave the jurisdiction of Kamrup(R) district without furnishing the details of the place of destination and necessary information including contact number to the Superintendent of Police (Border), Kamrup(R).

List the matter for admission hearing after receipt of the LCRs.

JUDGE

JUDGE

Comparing Assistant