
(2021) 06 GAU CK 0010

In the Gauhati High Court

Case No : I.A.(Civil) No. 1079 Of 2021 In Writ Petition (Civil) No. 1262 Of 2021

Amisa Khatun

APPELLANT

Vs

Union Of India And 5 Ors

RESPONDENT

Date of Decision : 04-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0010

Hon'ble Judges : Sudhanshu Dhulia, CJ; Manash Ranjan Pathak, J

Bench : Division Bench

Advocate : H R A Choudhury

Judgement

Heard Mr. H. Ali, learned counsel for the applicant/ petitioner. Also heard Mr. K.K. Parasar, learned Central Government counsel, Mr. J. Payeng,

learned standing counsel, Foreigners Tribunal, Mr. A. Bhuyan, learned standing counsel, Election Commission of India and Ms. L. Devi, learned

standing counsel, NRC.

The applicant/petitioner before this Court is a woman. She has been declared a foreign national by the Foreigners Tribunal (4th), Darrang, Mangaldai

vide order dated 16.08.2017 passed in Case No.F.T. (4th) 291/2015.

This order has been challenged before this Court in WP(C) No.1262/2021. The records had been received and the matter has to be heard finally on its

merit. But meanwhile an interlocutory application has also been filed by the applicant/petitioner seeking her release on bail on various grounds.

The applicant/petitioner is, however, under detention since 21.11.2020 and now presently in detention for the last more than six months.

We are not considering the merits of the case as of now but considering the difficult situation we are facing in this COVID-19 pandemic, which is in

its second wave, and we are also conscious of the fact that the jails and the detention centres where persons like the applicant/petitioner are presently placed must also be decongested.

Under these extra-ordinary circumstances and for no other reasons but for the present COVID-19 pandemic situation, we are only inclined to release

the applicant/petitioner for an interim bail for a period of three months. The period of three months shall be counted from the date of her release.

Mr. J. Payeng has submitted that he has no objection if the applicant/petitioner is released only for a limited period, keeping these extra-ordinary

circumstances of COVID-19 pandemic in mind.

Under these circumstances, we direct that the applicant/ petitioner be released on an interim bail for a period of three months on a personal bond and

a surety of Rs.5,000/- (Rupees Five Thousand). The jail authorities will be at liberty to take all the particulars including the bio matrix of the

applicant/petitioner before her release. However, the applicant/petitioner will not be deported from India. The applicant/ petitioner shall surrender

before the Superintendent of Police (Border), Darrang, Mangaldai after three months.

Put up before this Court on 6th September, 2021.

Meanwhile, Mr. H. Ali, learned counsel for the applicant/ petitioner will always have the liberty to move an application for an expedite hearing of the

matter, since the records of this case had already been received.

Let copies of this order be given today itself.