

GAHC010188952025



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

Case No. : I.A.(Civil)/2821/2025

SAIFUL ISLAM

S/O- MD. ABDUL JABBAR @ A. JABBAR, VILL.- TATIKOTA PATHER, P.S.
MOIRABARI, DIST. MORIGAON, ASSAM, PIN- 782126.

VERSUS

THE UNION OF INDIA AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, HOME DEPARTMENT, NEW DELHI-1, INDIA.

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

3:THE ELECTION COMMISSION OF INDIA
TO BE REPRESENTED BY THE COMMISSIONER
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001.

4:THE DISTRICT COMMISSIONER
JORHAT
DIST. JORHAT
ASSAM

5:THE SUPERINTENDENT OF POLICE (B)
JORHAT
DIST. JORHAT
ASSAM

6:THE OFFICER-IN-CHARGE
PULIBOR POLICE STATION
P.S. PULIBOR
DIST- JORHAT
ASSAM

Advocate for the Petitioner : MR. Z HAMMAD, R DAS

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-09-2025

(K.R. Surana, J)

Heard Mr. Z. Hammad, learned counsel for the petitioner as well as Ms. A. Verma, learned standing counsel for the Foreigners Tribunal, Ms. N. Bedi, learned standing counsel for the Election Commission of India, Ms. B. Sarma, learned CGC and Mr. P. Sharma, learned Addl. Senior Govt. Advocate.

2. By filing this IA, the applicant, namely, Saiful Islam who is the petitioner in the connected WP(C) 3499/2025 has prayed for modification of the conditions imposed on him by the Senior Superintendent of Police (Border), Jorhat which is contained in the Released Order under Memo No. Border/JHT/2025/Bail/508-10 dated 25.07.2025 by virtue of which the petitioner was directed to appear before the Border Branch, Jorhat on Monday of every week till further orders.

3. The prayer for modification of the order is opposed by the learned standing counsel for the FT matters on the ground that if the order is modified it

would be difficult on part of the State to know the whereabouts of the petitioner.

4. In this IA, it is projected that the applicant is a daily wage earner and he sometimes gets work and sometimes he does not get any work and moreover he has to look after his old aged parents as well as wife and children.

5. Considering his projection, the Court is of the considered opinion that it would suffice for ends of justice for the applicant, namely, Saiful Islam to appear before the Border Branch in the office of the Senior Superintendent of Police (Border) Jorhat, in the first week of every month without fail.

6. Accordingly, on production of a certified copy of this order before the Senior Superintendent of Police (Border) Jorhat, the said authority is requested to modify the release order so as to enable the applicant, namely, Saiful Islam to appear before the Border Branch in the office of the Senior Superintendent of Police (Border) Jorhat, in the first week of every month. We also request the learned standing counsel for the FT matters to communicate a downloaded copy of this order to the said authority.

7. This IA stands disposed of.

JUDGE

JUDGE

Comparing Assistant