

MC 159/2010

BEFORE HON'BLE

THE HON'BLE MR.JUSTICE A.POTSANGBAM

It is submitted by the learned counsel appearing for the applicant/petitioner that Smti Phulguni Sangma is the legally married wife of Shri Aben Marak of Village Moriam Nagar, Baladmari PS and District Goalpara and she has been in jail custody since 14.1.2010 in consequence of an exparte order dated 26.11.2008 passed in FT Case No.835 (G)/2006 before the Foreigners' Tribunal, Goalpara (FT). By an order dated 3.6.2009 passed by this Court in WP(C) No.2167/2009, which was filed by the petitioner challenging the aforesaid exparte order of the Foreigners' Tribunal, it was directed that the petitioner should not be deported. There is no dispute that the petitioner's husband Shri Aben Marak S/O Late Jangu Marak is a resident of Village Moriam Nagar, Baladmari PS and District Goalpara and, therefore, she has a permanent address with her family in India. Also heard Mrs. MH Phukan, learned Govt. Advocate who submits that the writ petition can also be finally heard as she has already received instruction.

In view of the above facts of the case, pending final disposal of WP(C) No.2167/2009, it is directed that the wife of the applicant/ petitioner, Smti Phulguni Sangma be released on bail in connection with FT Case No. 835(G)/06 on her execution a bail bond of Rs. 10,000.00 (Ten thousand) with two local sureties of like amount to the satisfaction of Superintendent of Police, Goalpara. It is made clear that the petitioner shall appear before the Officer in charge of Baladmari PS as and when required for.

The misc. application stands disposed of.