

THE GAUHATI HIGH COURT
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram,
Arunachal Pradesh.)

IMPHAL BENCH

Civil Rule No. 516 of 1991

1. U. Myat Kyaw
2. Mr. Nayzin Petitioners

- Versus-

1. State of Manipur, through the Secretary (Home), Imphal
2. The Superintendent of Jail, Manipur Central Jail, Imphal Respondents

PRESENT

THE HON'BLE JUSTICE W. A. SHISHAK
THE HON'BLE JUSTICE S. BARMAN ROY

For the petitioner: Ms. Nandita Haksar, Advocate
For the respondents: Advocate General Manipur

Date of order: 26. 11. 91

ORDER

Heard Ms. Nandita Haksar, learned counsel for the petitioners. The learned Advocate General, Manipur informs us that the two petitioners entered into Indian Territory illegally i.e. without valid travel documents and they are lodged in Manipur Central Jail.

Ms. Haksar states that in the wake of political disturbance in Myanmar (Burma), several citizens of that country especially those persons who took part in the movement for democracy of that country, took shelter in Thailand and also in India. According to the learned counsel, these two petitioners also entered into Indian Territory on 14 July, 1991. They voluntarily surrendered to the authority and they were taken into custody. Since July, 1991, they have been lodged in Jail. We are informed by the learned Advocate General that case has been registered against them for illegal entry under Section 14 of the Foreigners Act. It has been submitted by the learned counsel for the petitioners that in similar petition of similar situation in respect of certain citizens of that country, this court had allowed the petitioners to be released on bail in order to enable them to approach the United Nations High commission for Refugees in Delhi to seek United Nations refugee status.

After hearing the learned counsel of both sides, we direct that the petitioners be released on interim bail for a period of two months on

furnishing personal bonds of Rs 5000/-(Five Thousand) each to the satisfaction of the learned Chief Judicial Magistrate, Chandel for going the Delhi for the aforesaid purpose. The learned Advocate General submits that there should be local sureties.

On perusal of the facts and circumstances stated in the petition, we are of the view that local surety may not be easily available and to insist on furnishing surety may cause hardship to the petitioners. In such situation, we allow the petitioners to go on interim bail on personal bond.

Copy of this order be furnished to the learned counsel for the petitioners.

Sd/-S. Barman Roy
Judge

Sd/-W. A. Shishal
Judge