

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(Bail.Appln.) No. 2 of 2023

Md. Feiz @ Mohammad

.....Applicant/s

- Versus -

State of Manipur

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

27.03.2023

[1] Present Mr. S. Jibon, learned counsel along with Mr. S. Pritibala, learned counsel for the applicant and Mr. Y. Ashang, learned PP for the state respondents.

[2] The petitioner is one of the accused in FIR No. 28(9)2022 WPS-IW. Vide order dated 30.03.2022 in Bail Application No. 33 of 2021, this Court granted bail to the petitioner with the following conditions:

“(i) The accused, Md. Feiz @ Mohammad shall not leave the place of his residences without permission of the trial court and shall ordinarily reside at a place of residence and the complete address of such place shall be furnished to the trial court at the time of release.

- (ii) The accused, Md. Feiz @ Mohammad shall appear before the trial court weekly twice i.e., Monday and Friday at 10:30 a.m. until further orders.
- (iii) If the accused, Md. Feiz @ Mohammad have passport, he shall also surrender the same to the Trial Court.
- (iv) The accused shall not contact nor visit nor threaten nor offer any inducement to the family of the victim or the complainant or any of the prosecution witnesses.
- (v) The accused shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the matter.
- (vi) It is clarified that if the accused, Md. Feiz @ Mohammad misuses the liberty or violate any of the conditions imposed upon him, the prosecution shall be at liberty to move this Court for cancellation of the bail.
- (vii) Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of the present bail petition.”

[3] The accused has filed the present application being MC(Bail.Appln.) No. 2 of 2023 for modification of condition (ii). Charges have been framed against the other 4 (four) accused including the present petitioner. It is at the stage of PW hearing. In condition (ii), the accused was directed to appear before the trial court weekly twice, i.e, Monday and

Friday at 10:30 a.m. until further orders. It is stated that the accused is appearing before the trial court twice on every Monday and Friday as directed by this Court. Since charges have been framed and the trial has commenced, it is submitted that the condition (ii) requires modification and the petitioner may be allowed to appear only on the date fixed by the trial court.

[4] Mr. S. Jibon, learned counsel for the applicant, prays that condition (ii) may be modified. Mr. Y. Ashang, learned PP is agreeable to the prayer made by Mr. S. Jibon, learned counsel. As such, condition (ii) is modified that accused namely, Md. Feiz @ Mohammad shall appear before the trial court on the day fixed for trial.

[5] Accordingly, the present application is allowed and condition (ii) is modified. It is made clear that other conditions remain same.

Send a copy of this order to the learned Special Judge (POCSO), Imphal West for information.

JUDGE

joshua

KH. JOSHUA
MARING

Digitally signed by
KH. JOSHUA MARING
Date: 2023.03.29
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