

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

MC(Bail Appln.) No.6 of 2023
Ref: Bail Appln. No.5 of 2021 (D/C)
With Bail Appln. No.6 of 2021(D/C)

MD. SALIM KHAN, AGED ABOUT 24 YEARS, S/O MD. MAJAHAR CHESAM
OF HEIBONG MAKHONG MATHAK LEIKAI, P.O. & P.S. MAYANG IMPHAL,
IMPHAL WEST DISTRICT, MANIPUR.

....Applicant/s

- Versus -

THE OFFICER IN CHARGE, WONEN POLICE STATION, IMPHAL WEST, P.O.
& P.S. LAMPHEL, IMPHAL WEST DISTRICT, MANIPUR.

...Respondent/s

**BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER
(ORAL)

21.11.2023

[1] Heard Mr. S. Jibon, learned counsel for the applicant and Mr. Y. Ashang, learned PP for the State.

[2] By the present application, the applicant approached this Court for modification of order dated 09.08.2021 passed by this Court in Bail Application No.5 of 2021 with Bail Application No.6 of 2021 whereby some of the accused persons were released on bail with certain conditions as mentioned in Para 43 which reads as under:

- (i) The accused Md. Noor Mohammad and Md. Salim Khan shall not leave the place of their residences without permission of the 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. Noor Mohammad and Md. Salim Khan 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. Noor Mohammad and Md. Salim Khan have passport, they shall also surrender the same to the trial Court.
- (iv) The accused Md. Noor Mohammad and Md. Salim Khan 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 Md. Noor Mohammad and Md. Salim Khan 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. Noor Mohammad and Md. Salim Khan misuses the liberty or violate any of the conditions imposed upon them, the prosecution shall be free 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 petitions.
- (viii) The Police authorities are directed to ascertain the status of the charge sheet submitted to the trial court and take necessary steps in accordance with law, as the alleged offence is under the provisions of the POCSO Act, which

mandates the time-frame for completion of investigation, trial and final decision.

[3] Mr. S. Jibon, learned counsel for the applicant has drawn the attention of this Court to an order dated 27.03.2023 passed by this Court in MC(Bail Appln.) No.2 of 2023 by which, "condition (ii): The accused, Md. Feiz @ Mohammad shall appear before the trial court weekly twice i.e., Monday and Friday at 10:30 a.m.", has been modified that accused namely, Md. Feiz @ Mohammad shall appear before the trial Court on the day fixed for trial. The applicant is praying for similar order in the present application.

[4] Mr. Y. Ashang, learned PP for the State has no objection in passing similar order as done in order dated 27.03.2023 passed by this Court in MC(Bail Appln.) No.2 of 2023.

[5] Recording the submissions, condition (ii) of Para 43 of the Order dated 09.08.2021 passed in Bail Appl. No.5 of 2021 with Bail Appln. No.6 of 2021, is modified as "(ii) The accused by namely, Md. Salim Khan, shall appear before the trial Court on the day fixed for trial" and the other conditions remain the same. With this observation, the application is allowed and disposed of.

[6] Send a copy of this order to the Ld. Special Court (POCSO), Imphal West, Manipur for information.

JUDGE