

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

BAIL APPLN. No. 4 of 2024

PAVIO

... Petitioner

- Versus -

Officer-in-charge, WSP, Senapati

... Respondent

**B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

05.04.2024

Heard Mr. L. Sevananda, learned counsel appearing for the petitioner and Mr. H. Samarjit, learned PP appearing for the respondent.

The present bail application has been filed u/s 439 of Cr.P.C read with Section 31 of the Protection of Children from Sexual Offence Act, 2012 praying for grant of bail to the petitioner under FIR case No. 3(10) 2023 WPS- SPT U/s 7/8 POCSO Act, 2012.

On 03.10.2023, the mother of the minor Victim girl lodged a written report to the Officer-in-Charge, Women Police Station, Senapati stating that the petitioner has sexually assaulted the minor victim on 01.10.2023 and as such FIR No. 3(10) 2023 WPS- SPT U/s 7/8 POCSO Act, 2012 was registered against the petitioner. Subsequently, the petitioner was arrested in connection with the FIR case and has been in custody of the Investigating Authority since then. The petitioner filed bail

application before the Special Court (POCSO), Senapati being Cril. Misc. Case No. 111 of 2023 and the same was rejected by an order dated 05.12.2023 on the basis of the statement adduced by the minor victim, recorded by the Investigating Authority coupled with the opinion of the examining doctor of the minor victim and also of admission by the accused of having committed the offence.

On earlier occasion dated 08.03.2024, the learned PP was directed to take steps to the I.O of the case to submit the report.

However, on office note dated 03.04.2024, no report from the I.O has been received till date.

The learned counsel for the petitioner submitted that he was arrested on 03.10.2023 till now it is more than 6 months as such he is entitled to be release on default bail. According, to the learned counsel for the petitioner the Ld. Special Court while rejecting the bail application substituted his opinion to the extent by deleting the previously charged offence u/s 7/8 of the POCSO Act and converted the charge to section 3(a) 4 of the same Act which have not been called for until framing of charge subsequent to filing of charge-sheet as such the accused/petitioner has been subjected to much harsher charge.

On making enquiry Mr. H. Samarjit, learned PP submits that charge sheet is not yet submitted before the concerned Trial Court.

In the facts and circumstances, since the accused/petitioner is lodged in jail for more than 6 months he is entitled to be release on default bail, the accused/petitioner is released on default bail in connection with FIR No. 3(10) 2023 WPS- SPT U/s 7/8 POCSO Act, 2012 on his furnishing bail bond of Rs. 1,00,000/- (Rupees One lakh) with one surety (local Government Employee) to the satisfaction of the concerned Trial Court. It is also made clear that the petitioner should co-operate with the investigation and he should make himself available for interrogation by the I.O of the FIR case as and when required. The

petitioner should not leave the State of Manipur without prior permission of the Arresting Authority.

According, the present bail application is disposed of.

Send an extract copy of this order to the Court of Special Judge (POCSO), Senapati.

JUDGE

Lucy

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by LUCY
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