

50 17.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9866 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Maheshtala** P.S. Case No. **196 of 2018** dated **24/03/2018** under Sections **363/368/34** of the Indian Penal Code and under Sections **6/17** of the POCSO Act.

And

In the matter of: Jafar Ali Sekh @ Md. Jafar Sk.

....petitioner.

Mr. A. Datta

...for the petitioner.

Mr. S. Bapuli,
Ms. S. Santra

...for the State.

We have considered the materials on record. Allegation of rape may be assessed in the light of the submission between the young persons. In view of such fact and the period of detention suffered by the petitioner and as there is no progress in the trial, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under POCSO Act, Alipore subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event the petitioner fails to comply with the

conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)