

**C.R.M. (DB) 879 of 2022**

**04.04.2022**  
Sl. 43  
Court No.29  
sourav  
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Alipore** Police Station Case No. **21** of **2011** dated **20.01.2011** under Sections **302/394** of the Indian Penal Code.

And

In the matter of: **Wakil Yadav**

....petitioner.

Mr. Arindam Jana,  
Mr. Soumajit Chatterjee,

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,  
Mr. Dipankar Paramanick,

...for the State.

Petitioner renews the prayer for bail.

This is the third application at the behest of the petitioner.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 11 years 3 months. Out of 35 witnesses only 2 witnesses were examined. There is no eyewitness so far as the petitioner is concerned.

Learned Additional Public Prosecutor appearing for the State submits that the petitioner was identified in the Test Identification Parade. The petitioner was a driver of the household and the victim was the maid of the household. Fingerprints of the petitioner was obtained from the place of occurrence as also on the table at the place of occurrence. Four prosecution witnesses were examined. The petitioner did not cross-examine such prosecution witnesses and is delaying the disposal of the trial.

There is hardly any material change in circumstances subsequent to the earlier order of rejection.

There are materials to suggest that the petitioner was taking time before the trial court and not cross-examining the prosecution witnesses consequent upon, the prosecution is unable to proceed further.

In such circumstances, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioners is rejected.

**C.R.M. (DB) 879 of 2022** is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

