

01.02.2023
Sl. No.36
akd
[ALLOWED]

C. R. M. (DB) 326 of 2023

In Re: **Wakil Yadav**

... .. Petitioner

Mr. Saryati Datta

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Bitasok Banerjee

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than twelve years. It is further submitted there is slow progress in the matter.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had contributed to the delay. His bail prayer was rejected earlier by a coordinate Bench of this court. Thereafter, two witnesses have been cross-examined. Petitioner hails from outside the State. There is chance of abscondence.

We have considered the materials on record. Case is based on circumstantial evidence. Five witnesses have been examined and cross-examined. They are vital witnesses of fact. Possibility of winning over other witnesses who are mostly police personnel and other officials is highly unlikely. Petitioner has undergone incarceration for more than twelve years. In all, 35 witnesses have been cited in the charge-sheet and there is no possibility of the trial concluding in near future. In view of the aforesaid facts, we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial and he is entitled to bail on this score alone. Apprehension that the petitioner may abscond can be addressed by imposing appropriate conditions restricting his movement.

Accordingly, the accused/petitioner, namely **Wakil Yadav**, be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty-five thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, South 24-Parganas at Alipore subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall reside within the jurisdiction of the district of Kolkata or South 24-Parganas and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders.

Petitioner shall cooperate with the expeditious disposal of the trial. In the event he fails to appear before the trial court without justifiable cause or seeks unnecessary adjournments and/or dilation of the trial, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)