

16.10.2023  
tkm/ct 28  
sl no. 71

**C.R.M. (DB) 4051 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with New Market PS case no. 12 of 2022 dated 30.1.2022 under sections 308/279 IPC read with section 3 and 4 of the Damage to Public Property Act along with section 3(i)/181 of the Motor Vehicle Act

And

In Re : Sarfaraj Khan

...petitioner

Mr. S Mukherjee

..... for the petitioner

Mr. R D Nandy  
Mr. Subrata Roy

..... for the State

1. Petitioner submits he was enlarged on bail by this Court earlier. Due to miscommunication he was unable to appear. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner had absconded and witness action was delayed.
3. We have considered the materials on record. There is every possibility of the petitioner absconding if released on bail. Witness action was delayed due to his conduct.
4. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.
6. Trial court is requested to expedite the trial and conclude the same at an early date.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**