

**In the Court of the Additional District & Sessions Judge, 2nd Court,
Bongaon, Dist.- North 24 Parganas**

Present

Shri Pradip Kumar Adhikary, WBJS,
J O Code (UID No.) - WB916,
Additional District & Sessions Judge,
2nd Court,
Bongaon, Dist.- North 24 Parganas.

**CNR No.- WBNP 0600 0639 2019
SC No.- 102 of 2019
ST No.- 01 (02) of 2020
arising out of
Gaighata PS Case No.- 1070 dated 09/02/2014
Charge framed under sections 376/379/506 of the Indian Penal Code, 1860**

**State
v.
Begu Mondal @ Shyamal Mondal**

Order No.- 28
25/04/2025

The case record is taken up by way of put up petition.

The accused Begu Mondal filed an application praying for bail on the ground that he has permanent residence within the jurisdiction of the Court and there is no chance of absconson.

Heard.

The Ld. PP-in-Charge Shri Shyamal Kumar Biswas has raised objection.

Considered the materials on record.

It appears from the record that on 30/08/2022 warrant of arrest was issued against the accused and the same was sent to the Officer-in-Charge, Gaighata PS for causing execution.

On the next date i.e. on 10/11/2022 the Officer-in-Charge, Gaighata PS submitted a non-execution report praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

But thereafter, on 09/03/2023, 09/08/2023 and 08/12/2023 he did not send any report to that effect.

However, on 17/04/2024 again the Officer-in-Charge, Gaighata PS submitted a non-execution report in the same fashion praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

On the next date i.e. on 14/08/2024 the Officer-in-Charge, Gaighata PS neither returned the original warrant of arrest nor filed any execution or non-execution report nor made any correspondence either explaining non-compliance of order of the Court or praying for time. Accordingly, he was directed to execute the warrant by the next date positively in default he was directed to appear in person with written explanation to that effect.

On the next date i.e. on 17/09/2024 the Officer-in-Charge, Gaighata PS neither appeared in person nor could execute the warrant of arrest.

Again on the next date i.e. on 19/11/2024 he neither appeared in person nor could execute the said warrant of arrest. Rather he submitted a non-execution report in the praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

On 28/01/2025 also the Officer-in-Charge, Gaighata PS neither appeared in person nor could execute the warrant of arrest. Rather in the same fashion he submitted a non-execution report in the praying for another date for execution for the same since the accused is absconding from his house to evade police arrest.

The instant case was initiated in the year 2014. This is long pending case. Due to non-execution of the WA the case could not be proceeded towards its logical conclusion.

Accordingly, on 28/01/2025 the Superintendent of Police, Bongaon PD was directed to investigate whether there was any avoidable delay or wilfull default or gross negligence on the part of the Officer-in-Charge, Gaighata PS and take necessary action as he deems fit and proper and the Court shall be informed of the action so taken by him.

The SDPO, Bongaon was directed to execute the warrant of arrest issued against the accused.

On the next date i.e. on 28/02/2025 the SDPO, Bongaon also submitted a non-execution report stating that several raids were conducted to arrest the accused but he was absconding to evade police arrest.

On 22/04/2025 the accused surrendered voluntarily.

The case record further reveals that previously on 19/12/2019 warrant of arrest was issued against the accused due to his absence on several dates and subsequently, on 01/02/2020 he surrendered voluntarily and was enlarged on bail. Then from the very next date i.e. on and from 02/03/2020 he was found absent either by filing petition or without any steps and consequently, on 30/08/2022 warrant of arrest was issued against him and since then the accused was absconding, he neither surrendered nor could be arrested till the date of his surrender on 22/04/2025.

Considering the conduct of the accused the Court is not inclined to enlarged on bail. Hence, the prayer for bail of the accused is refused at this stage.

Todate for production.

Typed by me

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