

**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.- 30
02/05/2025

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 abscond.

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.

On 28/04/2025 in returning the original warrant of arrest issued against the accused the SDPO, Bongaon submitted a non-execution report vide Memo No.- 784/SDPO/BGN dated 28/04/2025 stating that he took all possible steps to execute the warrant against the accused. Several raids were conducted for execution of the warrant but in vain. He enquired into the matter in presence of various local persons. During enquiry it is ascertained that the warrantee is not residing at that area since long.

The SDPO, also held raid at the house of Samar Mondal, elder brother of the accused who stated that the warrantee accused does not reside there for long. From sources it came to knowledge about the probable passport number of the warrantee who might be residing in Dubai. The passport number was also enquired and as per report of Assistant Passport Officer, RPO, Kolkata the alleged passport number has been issued from CGI, UAE, Dubai. However, they are unable to provide the passport detail and visa details and directed us to ascertain the passport details from the Consulate General of India, UAE, Dubai. A letter was further sent to CGI, UAE, Dubai for providing the passport details. The reply is still awaited. Meantime while sources have still being engaged and raids are also going on.

The SDPO, Bongaon has further stated that sharp vigil has been kept and sources have been engaged for arresting the accused person as soon as possible. On confirmation of passport details by CGI, Dubai UAE, prayer will be sent for Look Out Circular Notice. On the above circumstances the SDPO, Bongaon has prayed for a next date for execution of the warrant of arrest since all sincere efforts are being put in.

The Superintendent of Police, Bongaon PD has also filed a compliance report vide Memo No.- 641/E/Legal Cell/BGN PD/25 dated 25/04/2025 stating that during enquiry and after perusing the report of the SDPO, Bongaon it is ascertained that the warrantee is not resided at his own residence as well as the local areas since long. All necessary steps have been taken by SDPO, Bongaon as well as Officer-in-Charge, Gaighata PS for execution of the warrant. So, it is assured that there is no negligence on the part of OC, Gaighata PS for execution of the warrant.

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.

There is every chance of further abscond. The evidence of the victim is yet to be taken whose statement was recorded under section 164 CrPC also. Only one witness has been examined so far. There is incriminating materials in the evidence of P.W.- 01 although hearsay.

This is a fit case for custody trial.

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

Schedule for evidence has already been fixed.

The prosecution is directed to issue process for compelling the attendance of the witnesses and / or the production of the document or thing, if any and to inform the Investigating Officer.

Todate.

Typed by me

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