

**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 2635 2024
SC No.- 328 of 2024
Arising out of
Bagdah PS Case No.- 831 dated 01/12/2021
Charge-sheet filed under sections 498A/406/376/354B/506/34 of the Indian Penal Code,
1860**

State

v.

Pabitra Mondal, Soumitra Mondal, Sadhana Mondal and Amit Kirtaniya

Order No.- 10
18/09/2025

Today is fixed for appearance of the accused on Court bail, production of the accused Soumitra Mondal and execution report of warrant of arrest issued against the accused Amit Kirtaniya.

Out of four (04) accused two (02) accused Pabitra Mondal and Sadhana Mondal are on Court bail.

Out of those two (02) accused one (01) accused Pabitra Mondal is present by filing late hazira and another (01) accused Sadhana Mondal is absent and filed an application praying for another date as she could not turn up due to illness.

Heard.

The Ld. Panel PP has raised no objection.

Considering the ground and no objection the prayer is allowed.

Without returning the original warrant of arrest issued against the accused Amit Kirtania the Officer-in-Charge, Bagdah PS forwarded a non-execution report of said WA stating that the warrantee is out of his resident for last 09 months. However, he engaged reliable source to collect his whereabouts.

It is further stated that police have also arranged to issue a “**Look Out Circular Notice**” in the name of warrantee and as such the Officer-in-Charge, Bagdah PS has prayed for another date for execution of the WA.

Heard.

The Officer-in-Charge, Bagdah is directed to execute the warrant of arrest issued against the accused Amit Kirtaniya by the next date positively.

The accused Soumitra Mondal is produced from judicial custody and he is remanded to judicial custody till next date.

A fresh vakalatnama is filed on behalf of the accused Soumitra Mondal.

The Ld. Advocate has filed an application praying for bail of the accused Soumitra Mondal on the ground that the accused has been detaining behind the bar since 11/07/2025 and he is innocent and he will appear before the Court on each and every dates.

Heard.

The Ld. PP-in-Charge has raised objection.

Considered the materials on record.

It appears that this case was initiated on 01/12/2021 and on 02/12/2021 two accused Pabitra Mondal and Soumitra Mondal were brought under arrest.

On 10/12/2021 the accused Pabitra Mondal was enlarged on interim bail.

On 14/01/2022 on the basis of prayer of the IO warrant of arrest was issued against

other two accused Sadhana Mondal and Amit Kirtaniya vide Process Nos.- 05 of 2022 and 06 of 2022.

On 19/01/2022 the accused Soumitra Mondal was enlarged on bail.

On 31/01/2022 on the basis of prayer of the IO WPA was issued against the accused Sadhana Mondal and Amit Kirtaniya vide Process Nos.- 56 of 2021 and 57 of 2021.

On 03/02/2022 the accused Sadhana Mondal surrendered voluntarily and she was enlarged on bail.

On 07/03/2022 the accused Amit Kirtaniya surrendered voluntarily and he was also enlarged on bail.

So, up to that stage all the four accused persons were brought on record.

Subsequently, on 05/04/2023 charge-sheet was submitted. But surprisingly, in the charge-sheet it is stated that WPA has already been issued against the accused Sadhana Mondal and Amit Kirtaniya although they surrendered and were enlarged on bail on 03/02/2022 and 07/03/2022 respectively.

The case record further reveals that on 09/01/2024 warrant of arrest was issued against all the four (04) accused persons since they were found absent without taking any steps.

On 16/04/2024 the accused Pabitra Mondal was produced from judicial custody since he was there in connection with another case and was enlarged on bail.

On 18/04/2024 the accused Sadhana Mondal surrendered voluntarily and was enlarged on bail.

On 09/08/2024 WPA was issued against the other two accused Soumitra Mondal and Amit Kirtaniya.

On the very next date i.e. on 05/09/2024 the case was filed for present against them and on the same day the case was committed to the Court of the Ld. Additional District Judge, Bongaon.

Subsequently, on 13/12/2024 the case record was transferred to this Court.

On 12/03/2025 the Ld. PP-in-Charge filed an application stating that the case was filed for present against the accused Soumitra Mondal and Amit Kirtaniya, who are son and relative of accused Sadhan Mondal respectively and she also stated before the Court that the accused Soumitra Mondal is residing at her house and sometime he goes to Kolkata for his livelihood and the accused Amit Kirtaniya is also residing in his house. In the above circumstance the Ld. PP-in-Charge prayed for issuance of fresh warrant of arrest against those two accused Soumitra Mondal and Amit Kirtaniya.

After hearing and considering the materials on record the Court passed the following order :

It appears that no effective steps have been taken to arrest those two accused persons. Rather the concerned Court was in a hurry to commit the case. The accused Sadhana Mondal, mother and relative of accused Soumitra Mondal and Amit Kirtaniya has submitted before the Court that they are residing in their respective houses. Moreover, piecemeal trial is required to be avoided. In the above circumstances the prayer of the Ld. PP-in-Charge is allowed. It appears that the concerned Officer-in-Charge has not returned the original warrant of arrest issued against the accused on 09/01/2024. Hence, there is no necessity to issue warrant of arrest afresh. Hence, the Officer-in-Charge of the concerned PS is directed to execute the warrant of arrest already issued against the accused persons Soumitra Mondal and Amit Kirtaniya.

Subsequently, on 15/07/2025 the accused Soumitra Mondal was brought under arrest and produced before the Ld. ACJM, Bongaon who directed to produce the accused before this Court.

In compliance with the said order the accused Soumitra Mondal was produced before this Court on 17/07/2025 and since then he is in judicial custody.

So, considering the previous conduct of the accused, his misuse of liberty of bail

repeatedly, all the pain taken by police in securing arrest of the this accused and chance of his further absconding as well as considering the nature of allegation, gravity of the offence, enormity of the crime, heinousness/seriousness of the accusation, circumstances in which it was committed, severity of the punishment in the event of conviction, the nature/character and strength of prima facie evidence in support of the accusation/charge and the danger of justice being thwarted with by grant of bail and the larger interests of the public or the State, the prayer for bail is refused at this stage.

To 12/11/2025 for appearance of the accused on Court bail, production of the accused Soumitra Mondal and execution report of warrant of arrest issued against the accused Amit Kirtaniya.

Let a copy of this order be sent to the Officer-in-Charge, Bagdah PS for compliance.

The Bench Clerk is directed to do the needful at once.

Typed by me

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

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2nd Court,
Bongaon, Dist.- North 24 Parganas.