

ENGLAND AND WALES / JUDGMENT

Marcin Ryszard Bednarczyk v Polish Judicial Authority

COURT
IN THE HIGH COURT OF JUSTICEBEFORE
MRS JUSTICE LANG DBE

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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
[2025] EWHC 2310 (Admin)
Case No: AC 2025-LON-002165
The Royal Courts of Justice
Strand
London WC2A 2LL
Thursday, 17 July 2025

BEFORE: MRS JUSTICE LANG DBE

BETWEEN: _____
MARCIN RYSZARD BEDNARCZYK
- and -
POLISH JUDICIAL AUTHORITY

Applicant

Respondent

MR G HEPBURNE SCOTT (instructed by Bark & Co) appeared on behalf of Applicant.

MR H PERKIN (instructed by Crown Prosecution Service, Extradition Unit) appeared

on

behalf of the Respondent.

RULING

(Approved)

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late mother; (2) permanently return his driving licence so he could continue his work as a tow-truck operator; and

(3) vary his curfew hours to accommodate his work schedule. The CPS was neutral as to the variation concerning the driving licence and curfew hours but opposed the passport being released. District Judge Rai was concerned there was no evidence to confirm that the notary required the passport, as opposed to a driver's licence, as identification. District Judge Rai granted the application to vary the curfew and the return of the driver's licence, but refused to allow the passport to be released. 9. On 1 July 2015, District Judge Cieciora ordered the applicant's extradition. At the judgment, when the judgment was handed down, the applicant applied to vary bail again. He requested the court temporarily to release his passport for the same reasons as before, and sought permission to apply for a new passport, because "in the event of extradition to Poland, he would have no valid travel document to enable his return to the UK upon completion of his sentence". The applicant provided a copy of his mother's death certificate in support of the application. District Judge Cieciora refused both applications. 10. The applicant lodged an application for permission to appeal against extradition on 2 July 2025. On 10 July 2025, the applicant applied to vary his bail conditions in Westminster Magistrates' Court. He sought to lift his residence and curfew conditions from 11 to 13 July to allow to travel with his family on holiday. District Judge Snow refused the application. 11. The conditions of the applicant's bail are currently as follows:

- (1) Pre-release condition: Polish passport which has expired to be retained by the police;
- (2) Pre-release condition: £5,000 security; Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/
- (3) Residence requirement at 25 Lee Avenue;
- (4) Electronically- monitored curfew between midnight and 7 am;
- (5) Reporting to West Bromwich police station on Wednesdays and Fridays;
- (6) Not to enter an international travel hub;
- (7) Not to be in possession of any travel documentation, save that the police may provide him with a passport copy marked "Not for travel";
- (8) Mobile phone to be switched on, charged and on his person at all times.

Submissions

12. The applicant seeks a variation of conditions (1) and (7) so as to allow temporary release of his expired passport and the grant of permission to apply for a new passport. The applicant states that he requires the passport to enable him to attend a Polish notary's office in person to formally waive his inheritance rights from his mother, who died on 5 June 2025. He also wishes to have a valid passport to enable him to return to his family in the UK following the completion of any sentence, if he is extradited. He has settled status in the UK. He lives with

his partner and they have two young children. He states that he will surrender the new passport to the police on receipt. However, he also states that he needs a valid passport for matters, such as applying for a driving licence, applying for jobs, opening another bank account, and registering with another GP and a dentist. 13. The applicant submits that he has demonstrated full compliance with the bail conditions and has no intention of fleeing. If he wished to abscond, he could have done so whilst he has been on bail. He refers to the £5,000 security that has been paid which would be forfeited if he was in breach of bail conditions. That would severely impact him and his family 14. The respondent opposes the variation because of the significant risk that the applicant will fail to surrender. Conditions (1) and (7) are necessary to prevent him from absconding. Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/

Legal framework

15. In considering a bail application under section 22(1A) of the Criminal Justice Act 1967, the High Court decides the matter afresh, that is de novo (see *Tighe v Ireland*)

[2013] EWHC 3313 at [5]. The Bail Act 1976 applies. Section 3(6) of the Bail Act 1976 provides, insofar as is relevant: "(6) He may be required to comply before release on bail or later with such requirements as appeared to the court to be necessary:

- (a) to secure that he surrenders to custody;
- (b) to secure that he does not commit an offence while on bail, ..." 16. Paragraphs (2) and (8) of Schedule 1 to the Bail Act 1976 provides, so far as is relevant: "2 (1) The defendant need not be granted bail if the court is satisfied there are substantial grounds for believing that the defendant if released on bail, whether subject to conditions or not would:
 - (a) fail to surrender to custody or
 - (b) commit an offence while on bail. ... 8(1) Subject to subparagraph (3) below, where the defendant is granted bail, no conditions shall be imposed upon subsections (4)(2), 6(b) or (7) except subsection (6)(d) or (e) of section 3 of this Act, unless it appears to the court that it is necessary to do so:
- (a) for the purpose of preventing any of the occurrence of any of the events in paragraph 2(1) of this part of this schedule. ,,," 17. Under section 4(2B) of the Bail Act 1976, there is no presumption in favour of bail where a person is alleged to have been convicted of the offence. This applies in relation to AW1 which is a conviction warrant. Conclusions Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/ 18. There is a powerful incentive for the applicant to abscond, because an extradition order has now been made against him and, in my view, he faces an uphill struggle on an appeal. He is facing a custodial sentence of one year and 21 days on AW1 and a maximum sentence of 15 years on AW2, if convicted. Any sentence on AW2 is likely to take into account his previous offending under AW1 and his four other previous convictions for offences of

dishonesty and theft in Poland and Sweden. In my view, the fear of extradition and prison may well outweigh his wish to remain with his partner and children. 19. District Judge Cieciora had the benefit of hearing the applicant give evidence in chief and hearing his evidence tested in cross-examination. I have not had that advantage and I consider it is appropriate for me to take into account the district judge's findings of fact which are relevant to the risk of absconding. District Judge Cieciora said: "Findings of Fact 28, Dealing firstly with fugitivity, the requested person asserts he is not a fugitive as he has lived openly in the UK and has not concealed his whereabouts or his identity. He provided tax records and evidence of his settled status. He opened a bank account in Poland in 2017 and frequently travelled across borders.

29. I accept that the requested person was living openly in the UK. However, I do not accept the Requested Person's account that his sole motive for coming to the UK was to seek employment or more generally a better life. I am sure that his motives included a desire to deliberately and knowingly place himself beyond the reach of legal process in Poland. Specifically:
- (a) as to his account that he does not remember or does not think he was informed of his obligation to notify the court of any change of address. I found this vague and self-serving and I accept that, when he was arrested on 26 March 2008, he was advised of that obligation and that he was aware of it.
 - (b) I am also sure that he failed to comply with it.
 - (c) I note that the requested person has not returned to Poland since 2017. Regarding this trip, though I am content (for the purposes of this judgment) to accept that it took place. I also note: Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/
 - (i) he travelled by car and would, therefore, not have been subject to border control on entering or leaving Poland. Therefore, the mere fact of a visit does not provide support for the assertion that he was not hiding from the authorities. (ii) As to the opening of a bank account whilst there, with the implication that he was, therefore, not hiding from the authorities, since he also admitted that he used his partners' address in Poland as the correspondence address, it provides limited weight for the contention that he was not hiding from the authorities. (iii) In any event, although the Requested Person was not specific about the date he was in Poland, since the first instance judgment was handed down on 28 February 2017, since his son was born in Poland in August 2017 and since the appeal was not finalised until 11 October 2017, I am sure that, if the requested person did go to Poland, it was between the dates of the first and second judgments, and he did so knowing that he would not be subject to any enforceable judgment. Whether he left in 2017 or early 2018, as Ms Dus claimed, it is clear that, despite having family ties, he has not returned since being required to return to serve a prison sentence.

- (d) The absence of a return to Poland, despite his mother being extremely unwell, and despite having a daughter there with whom he maintains contact, coupled with the date of the last visit, suggests he was seeking to avoid the country, knowing that he might be liable to arrest.
 - (e) As to his account that he was not hiding from the authorities because he instructed a lawyer, I do not find this to carry much weight, given he has never provided the Polish authorities with his address in the UK.
 - (f) He left Poland knowing there were proceedings ongoing.
30. Taking into account all the circumstances, I am satisfied so that I am sure that, in respect of AW1, the Requested Person deliberately and knowingly placed himself beyond the reach of the legal process in Poland. Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/
31. In respect of AW2, I repeat the points made above as to the efforts taken by the Requested Person to avoid providing his address to the authorities and to avoid returning to Poland. In light of that evidence, I accept the evidence of the RJA that, on 24 July 2013, immediately after the arrest of one of his co-accused, the requested person fled from his place of residence.
32. I am, therefore, satisfied so that I am sure that, in respect of AW2, the Requested Person deliberately and knowingly placed himself beyond the reach of the legal process in Poland".
20. In my judgment, these findings of fact clearly demonstrate a sustained history of absconding to avoid legal process, which heightens the need for stringent conditions to prevent him from absconding if he is to remain on bail. Releasing his passport to him and allowing him to apply for a new passport will facilitate any plans he may have to leave the UK to avoid extradition. 21. I am not satisfied that the applicant is unable to complete the necessary formalities in respect of his mother's estate without his passport. There is no confirmation from the polish notary that the copy passport marked "Not for travel" and/or his driving licence are insufficient to establish his identification. 22. I do not accept that a new passport is needed for him to upgrade his driving licence or to register with a doctor or dentist or to open a bank account. Not everyone has a passport and, therefore, other forms of identification are widely accepted, in particular driving licences. Furthermore, the applicant has been living here since 2013 with settled status, and he and his partner already have access to NHS medical services and banking facilities. 23. The applicant's offer to surrender a new passport to the police on receipt does not assist, since the police have no way of knowing when the passport is delivered to him. In any case, the applicant has already admitted that he wishes to hold on to it for use as a means of identification in his daily life. It seems to me that there is a real risk that he will not surrender it promptly or at all. Epiq Europe Ltd, Lower Ground, 46 Chancery Lane, London WC2A 1JE www.epiqglobal.com/en-gb/ 24. Finally, if the applicant is extradited, he can apply for a new passport upon his release from prison. If his appeal is allowed, he will no longer be subject to bail conditions, in any event. 25. In conclusion, I consider there are substantial grounds for believing that

the applicant will seek to abscond and the retention of his passport is a necessary condition to avert the risk that he will fail to surrender to custody. Also the refusal of permission for him to apply for a new passport is necessary to avoid the risk of his absconding. 26. For these reasons, the applicant's application to vary his conditions is refused.

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Prepared on 23 October 2026 · Esheria