

Bench

Mr. Justice Bhishmadev Chakrabortty

and

Mr. Justice A.K.M. Zahirul Huq

Criminal Miscellaneous Case No.26419 of 2024

Md. Alamgiraccused-petitioner

-Versus-

The Stateopposite party

Mr. Md. Golam Azom, Advocate

.... for the petitioner

Mr. Md. Humayun Kabir Monju, Deputy
Attorney General

.... for the opposite party

Judgment on 29.08.2024.

Bhishmadev Chakrabortty, J:

In this Rule the opposite party was called upon to show cause as to why the accused-petitioner should not be enlarged on bail in CR No. 1435 of 2023 (Naogaon) under sections 406, 420, 195 and 34 of the Penal Code, 1860 arising out of Patnitala Police Station Case No. 06 dated 03.06.2024 corresponding to GR No. 159 of 2023 (Patnitala) under serial no. 29(Ka) of the table appended to sections 36(1) and 41 of the Madak Drabbya Niyantaran Ain, 2018 now pending in the Court of Additional Chief Judicial Magistrate, Naogaon and/or to pass such other or further order or orders to this Court may seem fit and proper.

Mr. Md. Golam Azam, learned Advocate for the petitioner submits that the allegation has been brought against the petitioner of creating forge document for releasing a motorcycle seized in a case under Madak Drabya Niyantran Ain. The offence disclosed in the complaint of creating forged document but cognizance has been taken for criminal breach of trust and cheating. He has been languishing in jail hajat near about 7 (seven) months. In the premises above he is entitled to the bail in the case. The rule, therefore, would be made absolute.

Mr. Humayun Kabir Monju, learned Deputy Attorney General on the other hand opposes the rule and submits that the Court has filed the case under section 195(c) of the Code of Criminal Procedure and as such he is not entitled to get bail in this case. The rule, therefore, would be discharged.

We have considered the submissions of the learned Advocate for the petitioner, the learned Deputy Attorney General, perused the application and the documents appended thereto. It appears that the case has been filed under sections 465, 467, 468 and 471 of the Penal Code on the allegation of committing forgery of a document for releasing a seized motorcycle. But the learned Magistrate took cognizance of offence under section 406, 420 and

195 of the Penal Code. The petitioner has been in jail hayat for more than 07 (seven) months without trial. It is uncertain when the trial would commence and come to an end.

In the above position, we find substance in the submission of the learned Advocate for the petitioner.

Accordingly, the Rule is made absolute. Accused-petitioner Md. Alamgir, son of Md. Sadek Ali and Mst. Nurjahan should be enlarged on bail in the aforesaid case subject to the satisfaction of the Additional Chief Judicial Magistrate, Naogaon.

However, the concerned Court will be at liberty to cancel the bail on any proven misuse.

Communicate the judgment and order at once.

A.K.M. Zahirul Huq, J:

I agree.