

Present
Mr. Justice Bhishmadev Chakraborty.
-And-
Mr. Justice A.K.M. Zahirul Huq

Criminal Misc. Case No.36022 of 2024.

In the matter of:

An application for bail under Section 498 of the Code of Criminal Procedure.

and

In the matter of:

Md. Abdul Aziz Munshi

.....Accused-petitioner.

-Versus-

The State

.....Opposite party.

Mr.Md. Khalilur Rahman, Advocate.

.....for the accused-petitioner.

Mr.Md. Humayun Kabir Manju, Deputy Attorney General.

....for the State.

Heard and Judgment on 29.08.2024.

A.K.M. Zahirul Huq,J:

This Rule was issued under section 498 of the Code of Criminal Procedure calling upon the opposite-party to show cause as to why the accused-petitioner should not be enlarged on bail in Bauphal Police Station Case No.14 dated 16.05.2023 corresponding to G.R.No.87 of 2023(Bauphal) under sections 143,341,323,326,307,379 and 506 of the Penal Code pending in the Court of Chief Judicial Magistrate, Patuakhali and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr.Md. Khalilur Rahman, learned Advocate for the petitioner taking us through the first information report and charge sheet submits that the accused-petitioner is innocent and he has been falsely implicated in the case. The accused-petitioner voluntarily surrendered on 29.02.2024 and since then he has been languishing in jail for more than 6 months and as such he is entitle to privilege of bail.

Mr. Md. Humayun Kabir Manju, learned Deputy Attorney General, on the other hand opposes the rule and submits that police has already submitted charge sheet where allegation against the petitioner made in the FIR of committing offence against the petitioner has been found. The offence is grievous in nature and he is not entitled to the bail in the case at this stage.

We have heard the learned Advocate for the petitioner and the learned Deputy Attorney General and gone through the materials on record. It is found that first information report was lodged against 3 accused under sections 143, 341, 323, 326, 307, 379 and 506 of the Penal Code but charge sheet has been submitted against the sole accused-petitioner under sections 341,307 and 506(2) of the Penal Code. Moreover, the petitioner has been in jail for more than 6(six) months.

It further appears that record of the case has not yet transmitted for holding trial and it is uncertain as to when trial of the case will be commenced and concluded.

Considering above the facts and circumstances of the case and submissions of the learned advocate for the petitioner, we find merit in the rule. Therefore, we are inclined to enlarge the accused-petitioner on bail.

In the result, **the Rule is made absolute.**

The accused-petitioner **Md. Abdul Aziz Munshi, son of late Shafikul Islam Munshi** is granted bail in the aforesaid case on furnishing adequate bail bond to the satisfaction of the learned Chief Judicial Magistrate, Patuakhali before whom the case is pending.

In case of misuse the privilege of bail, the Court concerned is at liberty to deal with the question of bail of the accused-petitioner in accordance with law.

Communicate this order at once.

Bishmadev Chakraborty, J:

I agree.