

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

Criminal Misc. Case No.38892 of 2024.

Saif Uddin @ RanaAccused-**petitioner.**
 -Versus-
 The StateOpposite party.
 Mr.Md. Safayeat Hossain Sajeeb, Advocate.
For the accused-**petitioner.**
 Mr.Md. Humayun Kabir Manju, Deputy Attorney General.
For the State.

Heard and Judgment on 29.08.2024.

Mr. 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 Motijheel Sation Case No.12 dated 19.02.2024 corresponding to G.R.No.41 of 2024 under sections 8(1),8(2) and 8(3) of the Pornography Control Act, 2012 pending in the Court of Chief Metropolitan Magistrate, Dhaka and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr.Md. Safayeat Hossain Sajeeb, learned Advocate for the petitioner taking us through the first information report and seizure list submits that allegation has been brought against

the petitioner that he took some nude photographs of the victim and spread it to the face book account of the petitioner and some others and demanded money from the victim but no proof of it. He submits that the police report of the case is yet to be submitted and the petitioner is languishing jail 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 a prima-facie case of committing offence against the petitioner under sections 8(1),8(2) and 8(3) of the Pornography Control Act, 2012 has been found. The offence is heinous in nature and he is not entitle to enlarge on bail in the case.

We have heard the learned Advocates for the accused-petitioner and the learned Deputy Attorney General and gone through the materials on record. It is found that first information report has been lodged against the sole accused under section 8(1),8(2) and 8(3) of the Pornography Control Act, 2012 and allegation has been brought against him of taking some nude photographs and demanding of Tk.50,000/-. It further appears that forensic examination of those photographs to the ID of the victim has not yet

been done. Moreover, the maximum sentence of these sections are up to 5 years and he has been in jail for more than 6(six) months. It further appears that the police report of the case is yet to be submitted 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 accused-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 **Saif Uddin @ Rana** is hereby enlarged on bail on furnishing adequate bail bond to the satisfaction of the learned Chief Metropolitan Magistrate, Dhaka 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.

Mr. Bishmadev Chakraborty,J:

I agree.

Mr.Mohammad Ali with
Mr.Kamal Hossain, Advocate.

.....For the accused **petitioner**.

Mr. Sheikh Serajul Islam Seraj, D.A.G. with
Mrs. Ambia Bulbul Reza, D.A.G. with
Mr. Md. Ruhul Amin, A.A.G. with
Mr. Mohammad Humayun Kabir, A.A.G. with
Mrs. Syeda Jahida Sultana(Ratna),A.A.G

....For the State.

The Rule is made absolute vide judgment in separate sheets.

B.O.(Mr.Md.Rais uddin and Mr.Sashankar Shekhar Sarkar,JJ)