

Bench  
Mr. Justice Bishmadev Chakraborty  
and  
Mr. Justice A.K.M. Zahirul Huq

Criminal Miscellaneous Case No.38882 of 2024

Avijit Das ....accused-petitioner

-Versus-

The State ....opposite party

Mr. Babu Lal Saha, Advocate  
.... for the petitioner

Mr. Md. Humayun Kabir Monju, Deputy  
Attorney General  
.... for the opposite party

Judgment on 29.08.2024.

Bishmadev Chakraborty, 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 Ghior Police Station Case No.05 dated 09.03.2024 corresponding to GR No.20 of 2024 under sections 28, 29, 31 and 33 of the Cyber Nirapatta Ain, 2023 read with sections 153, 153 Ka, 295, 295 Ka and 298 of the Penal Code now pending in the Court of Additional Chief Judicial Magistrate, Manikganj and/or such other or further order or orders passed to this Court may seem fit and proper.

Mr. Babu Lal Saha, learned Advocate for the petitioner taking us through the materials on record submits that maximum sentence in the aforesaid sections is 5(five) years.

The petitioner has been languishing in jail for more than 5(five) months. The police report of the case has not yet been submitted and holding of trial of the case is uncertain. In the premises above, he may be released on bail. The Rule, therefore, would be made absolute.

Mr. Humayun Kabir Monju, learned Deputy Attorney General, on the other hand opposes the Rule drawing our attention on the nature of offence.

We have considered the submissions of the learned Advocate for the petitioner and the learned Deputy Attorney General, gone through the petition and documents appended therewith.

It appears that allegation has been brought against the petitioner of making a comment in the social media on a post of facebook touching the religious sentiment of muslim community. On going through the materials on record it is found that this petitioner has not created any post in his facebook ID. In a post created by someone else he made reply on a comment passed by another man. No report of forensic expert has been submitted yet. It further appears that in the aforesaid sections the petitioner may be sentenced for 05(five)

years highest. The police report of the case is yet to be submitted. It is uncertain when the trial will commence and come to an end.

In view of the nature of allegation brought against the petitioner, the sentence may be imposed therein, the period of custody and uncertainty of the trial, we find substance in the submission of Mr. Saha.

Accordingly, the Rule is made absolute. The accused-petitioner Avijit Das, son of Nanda Kumar Das and Parul Rani Das should be enlarged on bail in the aforesaid case subject to the satisfaction of the Chief Judicial Magistrate, Manikganj.

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.