

Present:

Mr. Justice A.K.M. Asaduzzaman

And

Mr. Justice Md. Ashraful Kamal

Criminal Appeal No.7543 of 2010.

Md.Jasim Uddin

.....Appellant.

-Versus-

The State

.....Respondent.

Mr. Md. Shafiqul Islam, Advocate

.....For the appellant .

Mr. Bashir Ahmed, A.A.G

..... For the Respondent.

Heard and Judgment on 22<sup>nd</sup>. March,2011.

A.K.M.Asaduzzaman,J.

This appeal was preferred under section 30 of the Special Powers Act,1974 against the order No.29 dated 03.11.2010 passed by the Special Tribunal No.4,Gazipur in Special Tribunal Case No.226 of 2009 arising out of G.R.Case No. 508 of 2009 corresponding to Sreepur P.S. Case No. 13 dated 10.08.2009 under section 19A of the Arms Act, rejecting the prayer for bail of the appellant.

The appellant was brought to the trial under section 19 A of the Arms Act.

After investigation police submitted a charge sheet against the appellant and two others under section 19A of the Arms Act on 09.09.2009.

Thereafter the appellant was arrested on 10.08.2009 and moved for bail but failed, he then preferred the instant appeal.

The learned advocate appearing for the appellant submits that the appellant is totally innocent and he has been falsely implicated in this case and is not at all connected with the alleged incident and the appellant is in custody since 10.08.2009 without trial and that two other co-accused have been enlarged on bail by the Hon'ble High Court Division and there is no certainty as to when the trial will be commenced and as such the impugned order may be set aside and the appeal may be allowed.

The learned Assistant Attorney General appearing for the respondent opposes the appeal.

Heard the learned advocate of both the sides and perused the FIR, charge sheet, relevant documents annexed to the application for bail and the impugned order.

In view of the submission of the learned advocate for the appellant to the effect that the prosecution could not produce any witness, we are of the view that justice would be met if a time is fixed to produce any witness of the case.

Accordingly the appeal is disposed of with the direction that if within next 6(six) months from the date of receipt of the judgment, the prosecution failed to produce any witness of the case, the trial Court may consider the bail of the appellant.

Communicate the order at once.

Md. Ashraful Kamal, J.

I agree.