

***Present:***  
***Mr. Justice S M Kuddus Zaman***  
***And***  
***Mr. Justice A.K.M. Rabiul Hassan***

**29.05.2024**

Mr. S M Shahed Chowdhury, Advocate  
.... For the convict-appellant  
Mr. Sujit Chatterjee, D.A.G. with  
Mr. Noor Us Sadik Chowdhury, D.A.G.  
Mr. Moududa Begum, A.A.G.  
Mr. Mirza Md. Soyeb Muhit, A.A.G.  
Mr. Mohammad Selim, A.A.G.  
Mr. Zahid Ahmed (Hero), AAG  
.... For the State

This is an application for bail in a pending appeal.

The convict-appellant has been convicted under Section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 and sentenced him to suffer rigorous imprisonment for life and to pay a fine of Taka 50,000/- in default to suffer rigorous imprisonment for 6(six) months more.

Mr. S Shahed Chowdhury, learned Advocate for the convict-appellant Sree Chandan Kumar submits that victim herself was the complainant and she mentioned her age as 20 years at the time of the occurrence. In her evidence in Court she has stated that she had love affair with the appellant and the

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appellant obtained her consent for sexual intercourse on false assurance of marriage.

The appellant is ready to recognize the paternity to the child Protigga Rani Chaity who was born out of the above occurrence and provide her maintenance and education till she attains majority if he is granted bail. He would submit an Affidavit-of-Compliance as well.

The appellant has served out about 8(eight) years of above sentence and there is no likelihood of hearing of the appeal on merit soon.

Mr. Zahid Ahmed (Hero), learned Assistant Attorney General for the State raises objection against granting of bail to the appellant alleging that a due to commission of rape by the appellant the victim gave birth to a child namely Protigga Rani Chaity.

We have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

As mentioned above at the time of the alleged occurrence of a rape the age of victim Sreemoti Beli Rani was 20 years. She has stated in her evidence as PW1 in Court that she had a love affair with appellant Sree Chondon Kumar. The learned Advocate for the appellant has stated at Paragraph

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No.21 in the application for bail that he would recognize child Protigga Rani Chaity as her biological child and provide her maintenance and education until her marriage if the appellant is granted bail.

On consideration of the above materials on record, we are inclined to grant bail to the convict-appellant for a limited period.

As such, the application for bail is allowed.

Let convict-appellant Sree Chandan Kumar, son of late Shambo Rabidas be enlarged on bail for a period of 1(one) year on condition that he would submit an Affidavit-of-Compliance as stated above before expiry of the above bail. But if he fails to submit an Affidavit-of-Compliance as stated above above bail of the appellant shall not be extended further. He shall also execute a bond to the satisfaction of the learned Nari-O-Shishu Nirjatan Daman Tribunal , Natore.

MD. MASUDUR RAHMAN  
BENCH OFFICER