THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Nazrul Islam Talukder
And
Mr. Justice K.M. Hafizul Alam

CRIMINAL MISCELLANEOUS CASE NO. 28743 OF 2017.

Justice Md. Joynul Abedin (Rtd.)
.....Petitioner.

-Versus-

The State and another
..... Opposite -parties.

Mr. Moinul Hossain, Senior Advocate with
Mr. Md. Abdur Rahim, Advocate.
..... **For the petitioner.**

Mrs. Rona Naharin, D.A.G with
Mr. A.K.M. Amin Uddin, D.A.G and
Mrs. Helena Begum (China), A.A.G.
..... For the Opposite-party.

Mr. Md. Khurshid Alam Khan, Advocate,
…**For the Anti-Corruption Commission.**

Heard on :03.07.2018 and 31.07.2018,
Judgment on: 31.07.2018.

Md. Nazrul Islam Talukder, J:

On an application under Section 498 of the Code of Criminal Procedure, this Rule, at the instance of the petitioner, was issued calling upon the opposite-parties to show cause as to why the petitioner should not be granted anticipatory bail till submission of the police report if any,

after such investigation as reported and/or pass such other or further order or orders as to this Court may seem fit and proper.

It may be noted that at the time issuance of the Rule, the petitioner was admitted to anticipatory bail till submission of the police report after investigation, if any, as it reported in the newspaper on executing a bond at the satisfaction of the Chief Metropolitan Magistrate, Dhaka.

Being aggrieved by the same, the Anti-Corruption Commission preferred Criminal Petition For Leave To Appeal No.7105 of 2017 before the Appellate Division and the learned Judges of the Appellate Division by judgment and order dated 24.07.2017 disposed of the appeal allowing the petitioner to remain on anticipatory bail till disposal of Criminal Miscellaneous Case No.28743 of 2017 as well as directing the High Court Division to dispose of the aforesaid

criminal miscellaneous case on merit as expeditiously as possible.

The facts leading up to issuance of the Rule are as follows:-

It is stated that in the application that the petitioner was enrolled in the High Court of the then East Pakistan as an Advocate on 21.03.1969 and continued his career as a practicing lawyer before the High Court Division of Bangladesh since then. Subsequently, the petitioner became enrolled in the Appellate Division of the Supreme Court of Bangladesh as an Advocate on 25.04.1980. Thereafter the petitioner was chosen to be elevated as a Judge of the High Court Division of the Supreme Court of Bangladesh on 01.06.1996. Thereafter, the petitioner was also elevated as a Judge of the Appellate Division of the Supreme Court in the year 2004 and went into retirement therefrom on 01.01.2010

as a Judge of the Appellate Division of the Supreme Court of Bangladesh. It is stated that soon after the petitioner laid down his robe, Respondent No.2 Anti-Corruption Commission (hereinafter referred to as the ACC) by a letter dated 18.07.2010 asked the petitioner to submit a statement in respect of his properties and assets. The petitioner accordingly submitted his statement of properties and assets on 08.08.2010 to the ACC. Thereafter by a further notice dated 25.10.2010, the said Commission asked for further statement and following the same, he submitted further statement of properties on 03.11.2010. The ACC found no cause to move against the petitioner for long 6 (six) years. After long 6 (six) years of silence, the ACC asked the petitioner to attend its office and furnish further statements of properties and assets by way of further clarification of his

earlier statements. The petitioner also complied with the same.

Following the news report published in the "Daily Janakantha" on the 5th and 7th June 2017, he came to know that the ACC is trying to arrest the petitioner immediately before filing of this F.I.R by dint of Section 21 of the Anti-Corruption Commission Act, 2004.

And thereby being aggrieved by the said news report published in "The Daily Janakantha", the petitioner approached this Court with an application under Section 498 of the Code of Criminal Procedure for anticipatory bail and obtained this Rule along with ad-interim anticipatory bail till submission of the police report if any after the investigation.

At the very outset, Mr. Moinul Hossain, learned Senior Advocate appearing for the petitioner, submits that the petitioner is a retired judge of the Appellate Division of the

Supreme Court of Bangladesh and an old man of 74 years and it is not quite necessary to harass and humiliate him by the way adopted by the Commission and as such, the petitioner may be entitled to be directed to remain on anticipatory bail until the charge-sheet is filed.

He next submits that the petitioner being a responsible citizen and a retired judge of the highest court is ready to face the case if any and that he will not misuse the order of anticipatory bail in any manner.

He then submits that it will be an abuse of power and disrespect to judge of the highest court to allow the police/ACC to arrest him though he is promise bound to surrender before the concerned court as and when the charge sheet if any is filed.

He candidly submits that if the petitioner is enlarged on anticipatory bail making the Rule absolute, there is no

chance of his absconding or tampering with the evidence and that he will not abuse or misuse the privilege of bail in any manner.

He vigorously submits that the Anti-Corruption Commission being empowered by section 21 of the ACC Act, 2004 may arrest any person who has acquired or is in possession of any movable or immovable property disproportionate to his declared sources of income and as such, the accused-petitioner may be allowed to remain on anticipatory bail making the Rule absolute.

He lastly submits that no FIR has yet been lodged, but the petitioner is apprehending that he may be arrested by the police/ACC in the name of so-called enquiry as it is reported in the newspaper and in that case, he will be harassed and humiliated and to avoid such harassment, he requires protection of the Court.

On the other hand, Mr. Khurshid Alam Khan, learned Advocate, appearing for the Anti-Corruption Commission, vehemently opposes the Rule and categorically submits that no case has been initiated by lodging FIR against the petitioner and as such, in the absence of any case, there is no reasonable apprehension of arrest, harassment and humiliation in a pending enquiry if any and that for granting anticipatory bail, there must be a case against the petitioner and mere apprehension of harassment and humiliation in the absence of any case cannot be taken into consideration for allowing the prayer for anticipatory bail by making the Rule absolute.

He next submits that for hearing the case of Durnity Daman Commission, there are some specific benches of High Court Division to hear and dispose of the application relating to Durnity Daman Commission but the Rule issuing

bench had no jurisdiction to hear and dispose of any application of the cases of Durnity Daman Commission but the learned judges of that bench going beyond the jurisdiction enlarged the petitioner on anticipatory bail till submission of the police report and accordingly the Rule along with the ad-interim order of anticipatory bail suffers from lack of jurisdiction of the court which issued the same.

In contrast to the aforesaid submissions of the learned Advocate for the ACC, Mr. Hossain submits that it is true that no case has yet been filed/started but the fact remains that there is no bar to giving protection to the petitioner by granting anticipatory bail if there are bona fide reasons to grant the same.

We have gone through the application for anticipatory bail and perused the materials annexed therewith. We have

also heard the learned Advocates for the respective parties and the learned Deputy Attorney-General for the State.

Since the learned Advocates for the respective parties have made elaborate submissions and counter submissions on anticipatory bail with reference to many legal decisions, we want to discuss a little bit about the concept of anticipatory bail before coming to a decision in this Rule.

It may be noted that pre-arrest bail or anticipatory bail is an extraordinary relief which can be granted only in extraordinary or exceptional circumstances upon a proper exercise of the discretion of the Court. There is no specific provision or Section in our Code of Criminal Procedure underlying the direction and for exercising the power under Section 498 of the Code of Criminal Procedure. Unlike Section 438 of the Code of Criminal Procedure of the Indian jurisdiction, there is no such provision or law in our Code of

Criminal Procedure under which the pre-arrest bail under Section 498 can be granted. The concept of anticipatory bail in this country has been developed by the pronouncement of different judgments by the Courts time to time. The concept of granting anticipatory bail was initially raised and discussed in the case of **The Crown-Versus-Khushi Muhammad reported in 5DLR(FC)(1953)86,** wherefrom we find that a case was filed against one Khushi Muhammad under section 366 of the Penal Code out of a faction inimical relationship. Khusi Mohammad, a respectable man, apprehended that he would soon be taken into custody by the police. Being aggrieved by the same, he submitted an application for pre-arrest bail before the learned Sessions Judge alleging, inter-alia, that he may be released on bail pending investigation and trial if any considering the circumstances and apprehension of arrest but

the bail was rejected by the learned Sessions Judge by the following order which runs as follows:

"This is an application on behalf of Khushi Muhammad for bail in anticipation of his possibly being arrested for the offence punishable under section 366, P.P.C. His learned Advocate has argued that the case against him will prima facie be a weak one, but that is not enough for the grant of an order of this nature. He entirely failed to satisfy me that if the petitioner were to be arrested and refused bail, such an order would in all probability be made not from motives of furthering the ends of justice in relation to the case, but for some ulterior motive and with the object to injure the petitioner, or that the petitioner would in such an eventuality suffer irreparable loss. I, therefore, reject this petition."

After his petition had been dismissed by the sessions judge, Khushi Muhammad waited for a fortnight and then presented a petition in the High Court. The contents of which are practically identical with the petition presented by him in the Court of Sessions Judge.

Upon hearing the parties, Mr. Justice Kayani, the learned judge of High Court observed that "As I have pointed out above, the High Court has power to "direct that any person be admitted to bail.", and giving these words their full weight, I see no escape from the conclusion that the power extends not only to the grant of bail to persons who are in the custody of the High Court or of an inferior Court or a police officer but also includes a power to give directions that persons should be admitted to bail who are not in custody."

Due to divergence of judicial opinion on this question and against the decision of High Court, the Crown presented a petition for special leave to appeal before the federal court and then leave was granted.

Upon hearing the parties, the Federal Court allowed the appeal setting aside the judgment of High Court and held that a person cannot be admitted to bail against whom a report or F.I.R has been lodged at the police station but who has not been placed in custody or under any other form of restraint or against whom no warrant of arrest has been issued.

Subsequently, in that regard, a lenient view was taken by the Supreme Court of Pakistan in the case of **Sadiq Ali vs the State reported in PLD 1996(SC)589,** where it was held that for the grant of bail to a person whose arrest on a criminal charge by police without a warrant is proved to be

imminent and certain and where the circumstances would justify the grant of bail.

Later on, the above view was further extended in new dimension in the case of **Shah Zillur Rahman Versus The State reported in PLD(1959) Dhaka 192**, wherein the question of granting anticipatory bail was exhaustively considered by the learned judges and it was decided that on principle it is true that in case of concurrent jurisdiction the lower court should be moved first but it is not a hidebound Rule.

At a later date, in the case of **Zahoor Ahmed and in the case of Zahoor Ahmed vs State, reported in PLD 1974 Lahore 256,** the question of granting anticipatory bail was exhaustively considered and it was held that in exceptional circumstances, an application for anticipatory bail may also be moved before the higher court.

Eventually, in the case of **Muhammad Ayub Versus Muhammad Yaqub reported in PLD(1966)(SC) 1003,** the learned judges examined the true nature and scope of section 498 of the Code of Criminal Procedure and it was decided that section 498 of the Code of Criminal Procedure is ancillary and subsidiary to the provisions of sections 496 and 497 of the Code of Criminal Procedure and that granting anticipatory bail under Section 498 may be construed to extend that the power of High Court Division or the court of sessions to grant bail even in cases where these courts would not be competent to grant bail under section 497 of the Code of Criminal Procedure.

Now it is well settled that our High Court Division or the Court of Sessions can exercise the power under Section 498 of the Code of Criminal Procedure where the perception of the Court is that a proceeding that has been lodged against

the accused is for ulterior motive either political or otherwise for harassing the accused and not for securing the justice, or to achieve a collateral purpose for harassment or humiliation.

The concept of granting anticipatory bail was elaborately and exhaustively discussed in the case of **the State Versus Abdul Wahab Shah Chowdhury, reported in 51DLR(AD)1999-243,** wherefrom it is abundantly clear that pre-arrest bail is an extra-ordinary remedy, an exception to the general law of bail, can be granted only in extra-ordinary and exceptional circumstances upon proper and intelligible exercise of discretion. Anyway, the anticipatory bail may be granted to an accused on the following grounds and circumstances:

1) Where a person is unnecessarily harassed or disturbed due to any motive of political victimization or otherwise by starting a malicious prosecution.

2) Where a person is physically incapable to go to the lower Court concerned for seeking bail due to serious illness or bodily infirmity to travel a long distance and in that circumstances he can move the High Court Division.

3) Where an accused does not feel secure to appear before lower Court due to volatile public sentiment which is not congenial for his appearance before the lower Court he may move the High Court Division directly.

4) When there are other exceptional circumstances for granting anticipatory bail, the petitioner may come before this Court for anticipatory bail.

In the case of **State vs Zakaria Pintu reported in 31 BLD(AD)20=62DLR(AD)420**, the essentialities for the anticipatory bail are as follows:-

i) Assumption of jurisdiction to consider anticipatory bail is an extra-ordinary one.

ii) Discretion of the High Court Division in granting bail, very wide though, must be encompassed by judicial circumspection based on established legal principles, without resorting to arbitrary consideration.

iii) The Judges concerned must go through the FIR meticulously and it must be reflected in their order that they have thoroughly scanned the facts and the allegations scripted in the FIR.

iv) Sometimes it is imperative on the part of the Court to refuse pre-arrest-bail when allegations

against the petitioners are of serious nature, because the Court must always nurture in their introspection that justice must eventually be done by ensuring punishment for the offenders, as otherwise the fabrics of the civilized society will crumble.

v) The Judges must not be oblivious of the interest of the victims and the society as a whole, for justice connotes even handedness.

vi) Anticipatory bail application must be considered in the backdrop of the possibility that investigation process, in consequence of enlarging the accused on bail, may be impeded.

vii) Prevailing situation should not be ignored.

The aforesaid view was re-echoed in the decision taken in the case of **Durnity Daman Commission and**

another-Versus- Dr. Khandaker Mosharraf Hossain and another reported in 66DLR(AD)(2014)92, wherein it was clearly held as under:-

1) Anticipatory bails shall not survive post charge-sheet stage.

2) An omnibus statement that he is a political personage and the Magistrates or the lower court/tribunal Judges, as the case may be, are controlled by the government (which has neither factual nor legal basis these days) is not enough. Equally well, the Judges of the High Court Division concerned must also assign reason for their satisfaction on this primordial point, which must be reckoned to be the door opener.

3) To open the jurisdictional door they shall satisfy themselves that reasons for apprehension have

specifically, explicitly, plausibly, credibly and with sufficient clarity been assigned, instead of relying on any generalized pretension. That must be treated as the precursor.

4) Political threshold of the petitioner or claim rivalry by itself without further ado shall not be ground for entertaining an application.

5) Non-availability of the offence cited in the FIR cannot be reason for High Court Division's intervention for even the Magistrate/lower court/ tribunal judges are competent enough to enlarge on bail a person accused of non-bailable offences in discovering cases.

6) Effect of the accused freedom on the investigation process must not be allowed to obfuscation.

7) The High Court Division must scrutinize the text in the FIR with expected diligence and the allegations are heinous in nature and keeping in mind the ordains figured and the paragraphs reported in 51 DLR (AD)242.

8) Interest of the victim in particular and the society at large must be taken into account in weighing in respective rights.

9) If satisfied in all respects, the High Court Division shall dispose of the application instantaneously by enlarging the accused on a limited bail, not normally exceeding four weeks, without issuing any Rule. It must be conspicuously stated in the bail granting order that in the event of any filance of bail application, the Court below will consider the same using its own legal discretion

without reference to the High Court Division's anticipatory bail order.

In the case of **Gurbakash Singh vs State of Punjab, reported in A.I.R (1980) (SC)1632**, it was held as follows:-

firstly, Section 438(1) of the Code lays down a condition which has to be satisfied before anticipatory bail can be granted. The applicant must show that he has 'reason to believe' that he may be arrested for a non-bailable offence. The use of the expression 'reason to believe' shows that the belief that the applicant may be so arrested must be founded on reasonable grounds. Mere 'fear' is not 'belief' for which reason it is not enough for the applicant to show that he has some sort of a vague apprehension that someone is going to make an accusation against him, in pursuance of which he

may be arrested. The grounds on which the belief of the applicant is based that he may be arrested for a non-bailable offence, must be capable of being examined by the Court objectively, because it is then alone that the Court can determine whether the applicant has reason to believe that he may be so arrested. Section 438(1), therefore, cannot be invoked on the basis of vague and general allegations, as if to arm oneself in perpetuity against a possible arrest. Otherwise, the number of applications for anticipatory bail will be as large as, at any rate, the adult populace. Anticipatory bail is a device to secure the individual's liberty; it is neither a passport to the Commission of crimes nor a shield against any and all kinds of accusations, likely or unlikely.

secondly, if an application for anticipatory bail is made to the High Court or the Court of Sessions it must apply its own mind to the question and decide whether a case has been made out for granting such relief. It cannot leave the question for the decision of the Magistrate concerned under section 437 of the Code, as and when, an occasion arises. Such a course will defeat the very object of Section 438.

thirdly, the filing of a First Information Report is not a condition precedent to the exercise of the power under section 438 of the Code of Criminal Procedure rather the imminence of a likely arrest founded on a reasonable belief can be shown to exist even if an F.I.R is not yet filed.

fourthly, Anticipatory bail can be granted even after the F.I.R is filed, so long as the applicant has not been arrested.

fifthly, the provisions of section 438 cannot be invoked after the arrest of the accused. The grant of “anticipatory bail” to an accused who is under arrest involves a contradiction in terms, in so far as the offence or offences for which he is arrested, are concerned. After arrest, the accused must seek his remedy under section 437 of the Code of Criminal Procedure or Section 439 of the Code, if he wants to be released on bail in respect of the offence or offences for which he is arrested.

We have stated earlier that the learned Advocates for the respective parties, in support of their submissions and contentions, have referred to many legal decisions taken in the cases of **The Crown-Versus-Khushi Muhammad reported in 5DLR(FC)(1953)86, Sadiq Ali vs the State reported in PLD 1996(SC)589, Shah Zillur Rahman Versus The State reported in PLD(1959) Dhaka 192, Zahoor Ahmed and in the case of Zahoor Ahmed vs State, reported in PLD 1974 Lahore 256, Muhammad Ayub Versus Muhammad Yaqub reported in PLD(1966)(SC)1003, The State Versus Abdul Wahab Shah Chowdhury, reported in 51DLR(AD)1999-243, State vs Zakaria Pintu reported in 31 BLD(AD)20=62DLR(AD)420, Durnity Daman Commission and another-Versus-**

Dr. Khandaker Mosharraf Hossain and another reported in 66DLR(AD)(2014)92, Gurbakash Singh vs State of Punjab, reported in A.I.R (1980) (SC)1632.

We have meticulously examined and perused the decisions referred to by the learned Advocate for the petitioner and the learned Advocate for the Anti-Corruption Commission. It appears that some of the cases cited before us were discussed in the reported case of **The State-Versus-Abdul Wahab Shah Chowdhury, reported in 51DLR(AD)-1999.** On going through all the decisions of our jurisdiction and other jurisdiction, we do find that the anticipatory bail has been granted to persons against whom a case has been filed either mentioning or without mentioning the name of those persons. The

apprehension of the petitioner is that the petitioner may be arrested in connection with the enquiry under Section 21 of the Anti-Corruption Commission Act, 2004 since the news report was published in the **"The Daily Janakantha**" for holding investigation into the alleged amassed wealth of the petitioner, which is claimed to be disproportionate to his known source of the income. The further apprehension of the petitioner, after publication of the newspaper reports in the "The Daily Janakantha" is that the petitioner is a responsible citizen and a retired judge of the highest court and if the petitioner is arrested, it will cause harassment and humiliation to the petitioner.

In this regard, we want to speak something about the role of our newspaper. It is worthwhile to mention

that newspaper is a printed publication media which contains different news and articles on various subjects. Newspapers play an important role in democracy to take the role of spokesman for people of all classes. They act as a bridge between the government and the people. They help in preventing social exploitation that can threaten the existence of democracy.

In a democracy, there should be an efficient and fearless press to act as watchdog of democracy. Newspapers make people aware of every field of society. In the present age, corruption is present in all walks of life. Newspapers play an important role in highlighting the menace of corruption and thereby the people are made aware of the corrupt practices if any prevalent in

various departments and agencies of government and other private organizations.

But of course, yellow Journalism is always disapproved, discarded and not appreciated at all. Newspaper should concentrate on giving only the true picture of the society.

It is worthwhile to mention that yellow journalism means and includes exaggeration of news reports, scandal mongering, sensationalism created and published by unprofessional and unethical fashion, eye-catching headlines of news reports for increased sales of newspapers, which are not legitimated and well-researched news without proper support and justification and news report without verifying its truth and accuracy etc.

The “Daily Janakantha” is one of the leading Bengali-language daily newspaper in the country. It is also the largest circulating newspaper in the country. They published the news reports under caption “**সাবেক বিচারপতির দুর্নীতি তদন্তে সুপ্রীম কোর্ট প্রশাসনের বাধা**” and “**সাবেক এক বিচারপতির তদন্তে থেমে নেই দুদক**”, which have been annexed in the application for anticipatory bail.

We have gone through the contents of the news reports. On a plain reading of the news reports, we do not find any reference of any officer of the Anti-Corruption Commission or the police, who have divulged anything about the steps to arrest or harass or humiliate the petitioner during pendency of the enquiry. They just only published the newspaper reports in “The Daily Janakantha” getting news from the Anti-Corruption Commission. And the journalists

of “The Daily Janakantha” as part of their duty and responsibility, published the news reports with a view to bringing this matter to the notice of the people and authorities by which it cannot be said that it has created an apprehension of arrest by the Durnity Daman Commission under Section 21 of the Anti-Corruption Commission Act, 2004. Section 21 of the Anti-Corruption Commission Act, 2004 is a statutory law by which the Anti-Corruption Commission, with the approval of the court, may arrest any person, when there is a bona fide reason to believe that a person has acquired or is in possession, in his own name or in the name of any other person, any movable or immovable property disproportionate to his declared sources of income. This section is not only applicable to the petitioner rather it is applicable to all the people. Many

cases are filed against the person or accused in this country. So because of the statutory Section 21 of the Anti-Corruption Commission Act, 2004, it cannot be said that there is an apprehension of arrest of the petitioner and he will be arrested pursuant to the publication of newspaper reports in "The Daily Janakantha".

It is stated in the application that on 18.07.2010, the petitioner received the notice from the Anti-Corruption Commission for submitting wealth-statement and having received the same, he submitted wealth-statement on 08.08.2010. Upon receiving the further notice from the Anti-Corruption Commission, he submitted further statement of properties on 03.11.2010. But since then no step for arresting the petitioner has

been taken as yet. Besides this scenario, the Anti-Corruption Commission has not taken any approval from the court with a view to arresting the petitioner. Moreover, being aggrieved by the notice of ACC for submitting wealth-statements, the petitioner filed writ petition before the High Court Division but the same was rejected as being not pressed. In spite of aforesaid fact, the ACC/Police did not take any steps to arrest him. Under the aforesaid facts and circumstances, the apprehension of arrest of the petitioner as disclosed in the application is not plausible and credible since the same was not explained with sufficient clarity and the apprehension was explained relying on generalized pretension.

From the reported cases, it is found that all the cases were filed either mentioning or non-mentioning the name of the persons/accused. But in the instant case in hands, not a single case has been filed against the petitioner and the ad-interim bail has been granted to the petitioner till submission of the charge-sheet. Since no case has been filed against petitioner, the question of granting anticipatory bail to the petitioner till submission of the police report is a misconceived one and it is a vague proposition of law. It is pertinent to note that anticipatory bail may be granted even to a person against whom no first information report has been lodged subject to the condition that a reasonable belief/ground exists for imminence of a likely arrest for malicious and omnibus reasons. The anticipatory bail is neither a

passport to the commission of crimes nor shield against any and all kinds of accusations, likely or unlikely. The anticipatory bail cannot be granted to a person/accused for the reason that he or she is in mere fear that he or she may be arrested and the same cannot be granted on vague apprehension of arrest. Mere fear is not a belief for which reason the accused/person may be granted anticipatory bail. Anyway, if we make the Rule absolute in this matter, the floodgate of the anticipatory bail will be open and everyone will come before the Court for anticipatory bail on fancy grounds. In our country, many proceedings of enquiry are going on for the alleged offences under Sections 26 and 27 of the Anti-Corruption Commission Act, 2004 and other allegations/offences of corruption. But if we start

granting anticipatory bail to all persons/accused on the given facts and circumstances, then it will create chaos to the administration of justice and it will affect the whole criminal justice system of the country.

Furthermore, the Rule issuing bench had no jurisdiction to issue Rule and grant anticipatory to the petitioner since that court had no jurisdiction to hear and dispose of any matter of the Durntiy Daman Commission.

It may be noted that the scope and guideline for granting anticipatory bail have been well defined, underlined and demarcated by the Appellate Division in many milestone judgments including the judgments cited and discussed above.

Having considered all the facts and circumstances of the case, the submissions advanced by the learned Advocates for the respective parties and the propositions of law cited and discussed above, we do not find any merit in this Rule and we are not inclined to allow the petitioner to remain on anticipatory bail making the Rule absolute.

Accordingly, the Rule is discharged.

In consequence thereof, the ad-interim order of anticipatory bail granted to the petitioner till submission of the police report if any is recalled and vacated.

Let a copy of this judgment and order be communicated to the Chairman, Anti-Corruption Commission at once.

K.M. Hafizul Alam, J:

I agree