

Present:***Mr. Justice S M Kuddus Zaman******And******Mr. Justice A. K. M. Rabiul Hassan*****21.05.2024**

Mr. Md. Suruzzaman Akanda, Advocate

.... For the convict-appellant.

Mr. Sujit Chatterjee, D.A.G. with

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 in Sessions Case No.100 of 2010 arising out of Sreebordi Police Station Case No.14 dated 25.09.2009 corresponding to G.R. Case No.160 of 2009 (Sreebordi) under Sections 302 of the Penal Code and sentenced to suffer imprisonment for life and to pay a fine of Tk.10,000/- (ten thousand), in default to suffer imprisonment for 4 (four) months more.

Mr. Md. Suruzzaman Akan, learned Advocate for the convict-appellant Md. Zakir Hossain submits that it has been stated in the FIR that in course of free fight between the two parties centering a previous

boundary dispute on 09.09.2009 at 4.30 P.M. convict-appellant-petitioner struck a bamboo stick blow on the head of father of Amena who was carrying victim Nabina her baby girl of one year age. Above bamboo stick blow stark by the convict-appellant hit above inphant baby girl and caused her death. The appellant did not have any intention to commit murder of the victim. The appellant has already served out more than 8 years of above sentence and the appellant is an old man of above 60 years of age. There is no likelihood of hearing of the appeal on merit soon.

Mr. Mohammad Selim, learned Assistant Attorney General for the State raises objection against granting of bail to the convict-appellant at this point of time.

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

As mentioned above victim Nabina is an inphant baby girl of one year of age. She was with her grandmother Amena. It has been alleged that convict-appellant stark a bamboo stick blow to the husband of above Amena which mistakenly hit above baby causing her death.

The appellant is an elderly man of 60 years of age and he has served out more than 8 years of above sentence. There is no likelihood of hearing of the appeal on merit soon.

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 **Md. Zakir Hossain, Son of Md. Khazor Uddin** be enlarged on bail for a period of 01(one) year subject to furnishing bail bond to the satisfaction of the Additional Session Judge, Sherpur.

MD. MASUDUR RAHMAN

BENCH OFFICER