

Criminal Appeal No. 11879 of 2022

30.11.2023

Mrs. Shahina Tazrin, Advocate

...for the appellant.

Mrs. Yesmin Begum Bithi, D.A.G.

...for the State.

This is an application for bail in a pending appeal.

The accused appellant is found guilty under section 302/34 of the Penal Code and sentencing him to suffer imprisonment for life and to pay a fine of Tk.20,000/-, in default, to suffer rigorous imprisonment for 1 year more.

Mrs. Shahina Tazrin, the learned Advocate appearing on behalf of the Convict appellant has submitted that the appellant was on bail at the trial stage and he never misused the privilege of bail. Learned Advocate has further submitted that the appellant petitioner has been taken into Jail hayat on the date of judgment i.e. on 25.10.2022 and since then he has been languishing in Jail. Learned Advocate has further submitted that it is evident from the materials on the record that the convict appellant has been convicted on the basis of suspicion, mere suspicion whatever strong might be can never be any basis of conviction as none of

the prosecution witnesses supported the prosecution case against the convict appellant. Learned Advocate has earnestly submitted that the conviction and sentence may not be found tenable at the time of hearing of the appeal.

Mrs. Yesmin Begum Bithi, learned Deputy Attorney General for the respondent opposes the prayer for bail.

We have considered the submissions of both sides, perused the evidence and materials on record so far available.

Admittedly this is an appeal of 2022. The learned Advocate has submitted that the conviction and sentence may not be found tenable at the time of hearing of the appeal. It appears from the record the convict appellant was present before the trial court at the time of trial and he never misused the privilege of bail and he was very much present on the date of judgment and on that date he was taken to jail moreover, other co-convict is on bail. In that view of the matter the prayer for bail is allowed.

Let the convict appellant Md. Jahidul Islam son of late Murad Kabiraj, be enlarged on bail till disposal of the appeal after furnishing bail bond to the satisfaction of the Chief Judicial Magistrate, Kushtia .