

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CRIMINAL MISCELLANEOUS JURISDICTON)**

**Present:**

**Mr. Justice Md. Nazrul Islam Talukder**

**And**

**Mr. Justice Kazi Ebdoth Hossain**

**Criminal Miscellaneous Case No.66211 of 2023**

Md. Salim Munsif

*..... Accused-petitioner.*

*-Versus-*

The State

*..... Opposite-party.*

Mr. Md. Moniruzzaman, Advocate

**..... For the Accused-petitioner.**

Mr. Md. Saiefuddin Khaled, D.A.G with

Mr. Md. Asaduzzaman, A.A.G with

Mrs. Afifa Begum Swapna, A.A.G and

Mr. Sarwar Akhtar Masud, A.A.G,

*..... For the State-opposite-party.*

**Heard and Judgment on: 18.01.2024.**

**Md. Nazrul Islam Talukder, J:**

On an application under Section 498 of the Code of Criminal Procedure, this Rule, at the instance of the accused-petitioner, was issued calling upon the opposite-party to show cause as to why the accused-petitioner should not be enlarged on bail in Rajpara

Police Station Case No. 12 dated 18.09.2023 corresponding to G.R No.172 of 2023 (Rajpara Thana) under Sections 6(D)8/9/10/11/12/13 of the Santras Birodhi Ain, 2009, now pending in the Court of learned Chief Metropolitan Magistrate, Rajshahi and/or pass such other or further order or orders as to this Court may seem fit and proper.

The prosecution case, in short, is that one Md. Raziur Rahman, SI of Police lodged an FIR with Rajpara Police Station alleging, interalia, that on 17.03.2022 at 13.45 minutes, they received a secret news to the effect that some members of banned organization namely Ansar Al Islam had gathered at the spot for discussion for creating unstable situation in the country. Hence the case.

The investigation of the case is underway. During investigation of the case, the petitioner submitted an application for bail but the same was rejected.

Being aggrieved by the same, the petitioner approached this court under Section 498 of the Code of Criminal Procedure and obtained this Rule.

Mr. Md. Moniruzzaman, the learned Advocate appearing on behalf of the accused-petitioner, submits that alleged alamats were not recovered from the possession of the accused-petitioner and he had no knowledge about the seized articles and as such, the accused-petitioner may be enlarged on bail.

He next submits that the accused-petitioner is not the member of banned organization Ansar Al Islam but the informant arrested him only for

harassment and as such, the accused-petitioner may be enlarged on bail.

Mr. Md. Saieffuddin Khaled, the learned Deputy Attorney-General appearing for the State very strongly submits that the accused-petitioner is the active member of the banned organization Ansar al Islam and under the circumstances, the accused-petitioner should not be enlarged on bail.

He then submits that the accused petitioner was arrested on 18.09.2023 which is very short period and for this reason, the accused-petitioner should not be enlarged on bail.

He lastly submits that the investigation of the case is under way and under such circumstances, the accused-petitioner should not be enlarged on bail.

We have gone through the application filed under Section 498 of the Code of Criminal Procedure

we have also heard the learned Advocates for respective parties and considered their submissions to the best of court wit and wisdom.

It appears from the record that alleged alamsats were not recovered from the possession of the accused-petitioner and he had no knowledge about the seized articles. It is argued that the accused-petitioner is not the member of banned organization Ansar Al Islam but the informant arrested him only for harassment. The accused-petitioner is in Jail Custody from 18.09.2023.

Having considered all the facts and circumstances of the case, and the submissions advanced by the respective parties, we find merit in this Rule and accordingly, we are inclined to enlarge

the accused-petitioner on bail making the Rule absolute.

**Consequently, the Rule is made absolute.**

Let the accused petitioner Md. Salim Munsif son of late Surat Munsif and Most. Sahera Begum be enlarged on bail in above mentioned case till conclusion of trial of the case if any on furnishing adequate bail bond to the satisfaction of the learned Chief Metropolitan Magistrate, Rajshahi.

However, the learned judge of the court below shall be at liberty to cancel the bail of the accused-petitioner if he misuses the privilege of bail in any manner.

The accused-petitioner is directed to provide all sorts of co-operation and assistance to the Investigating Officer if required.

Let a copy of this judgment and order be communicated to the learned judge of the concerned court below, forthwith.

**Kazi Ebadoth Hossain, J:**

I agree.