

In The Supreme Court of Bangladesh
High Court Division
(Criminal Miscellaneous Jurisdiction)

PRESENT:

**MR. JUSTICE ABU TAHER MD. SAIFUR RAHMAN
AND
MR. JUSTICE MD. ATABULLAH**

CRIMINAL MISCELLANEOUS CASE NO. 57122 OF 2023

Din Islam and another.....Accused-petitioners

-Versus-

The State.....Opposite party
Mr. Md. Saiful Islam, Advocate
.....For the accused petitioners
Mr. K.M. Masud Rummy, DAG with
Mr. Md. Ahsan Ullah, AAG and
Mrs. Aleya Khandker, AAG
...For the opposite party

Heard and judgment on: **The 12th of May, 2024**

ABU TAHER MD. SAIFUR RAHMAN, J.

This Rule was issued on an application filed by the accused petitioners under section 498 of the Code of Criminal Procedure calling upon the opposite party to show cause as to why the accused-petitioners should not be enlarged on bail in Dakkhin Sunamganj Police Station Case No. 05 dated 19.07.2023, corresponding to G.R. Case No. 69 of 2023 under sections 143 /341 /323 /325 /326/ 307/ 302/ 427 /114 of the Penal Code now pending in the Court of learned Chief Judicial Magistrate,

Sunamganj and/or such other or further order or orders passed as to this Court may seem fit and proper.

At the time of issuance of the Rule, this Court was pleased to granted ad-interim bail to the accused-petitioners for 6 (six) months from the date.

Mr. Md. Saiful Islam, the learned Advocate for the petitioners submits that that the accused petitioners did not misuse the privilege of bail.

Mr. K.M. Masud Rummy, the learned Deputy Attorney General for the state finds difficult to oppose the Rule.

Heard the submissions of the learned Advocates of both sides and perused the petitioners' application along with the materials on record thoroughly.

Since there is no allegation of misuse of the ad-interim bail, we are inclined to confirm the aforesaid ad-interim bail till to disposal of the case.

As a result, the Rule is made absolute.

Ad-interim bail was granted to the accused petitioners (1) Din Islam and (2) Fajar Islam, both sons of late Iman Ali in connection with Dakkhin Sunamganj Police Station Case No. 05 dated 19.07.2023, corresponding to G.R. Case No. 69 of 2023 under

sections 143 /341 /323/325/ 326/307 /302/ 427/114 of the Penal Code, 1860 now pending in the Court of Chief Judicial Magistrate, Sunamganj is hereby confirmed till to disposal of the case.

Send a copy of this information and order to the Chief Judicial Magistrate, Sunamganj for information and necessary action.

The Court below is at liberty to cancel his bail in case of misuse.

Md. Atabullah, J:

I agree