

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

Present:

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

**And**

**Mr. Justice Kazi Ebadoth Hossain**

**Criminal Miscellaneous Case No. 41812 of 2023**

Md. Ashraf Uddin and others

..... *Accused-Petitioners.*

*-Versus-*

The State and another

..... *Opposite-parties.*

Mr. Dewan Md. Abu Obyed Hossain, Advocate

..... **For the Accused-Petitioners.**

Mr. A K M Amin Uddin, 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-parties.

Mr. Md. Ashif Hasan, Advocate

..... For the Anti-Corruption Commission.

**Heard and Judgment on: 10.06.2024.**

**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-petitioners, was issued calling upon the opposite-parties to show cause as to why the accused-petitioners should not be enlarged on bail in Special Case No. 02/2021 arising out of Duduk, Sajaka, Faridpur (Rajbari District) (দুদক, সজেকা, ফরিদপুর, রাজরাড়ী জেলার) Case

No. 02 dated 16.06.2021 under Sections 409/468/477(Ka) of the Penal Code, 1860 read with Section 5(2) of the Prevention of Corruption Act, 1947, now pending in the Court of learned Senior Special Judge, Rajbari and/or pass such other or further order or orders as to this Court may seem fit and proper.

Mr. Dewan Md. Abu Obyed Hossain, the learned Advocate the accused-petitioners, submits that after obtaining bail from this Court at the time of issuance of the Rule, the accused-petitioners are regularly appearing before the Court below and they never misused the privilege of bail.

On the other hand, Mr. Md. Ashif Hasan, the learned Advocate appearing for the Anti-Corruption Commission, could not produce any scrap of paper to show that the accused-petitioners misused the privilege of bail.

Mr. A K M Amin Uddin, the learned Deputy Attorney-General appearing for the State also could not

produce any document in order to show that the accused-petitioners misused the privilege of bail.

Since there is no allegation of misuse of the privilege of bail by the accused-petitioners, we are inclined to confirm their bail by making the Rule absolute.

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

The bail granted earlier to the accused-petitioners is, hereby, confirmed and they shall remain on bail till conclusion of the trial of the case if any.

However, the learned Judge of the Court below shall be at liberty to cancel the bail of the accused-petitioners if they misuse the privilege of bail in any manner.

Communicate this judgment and order to the learned judge of the concerned court below at once.

**Kazi Ebadoth Hossain, J:**

I agree.