

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

Present:

Mr. Justice Md. Nazrul Islam Talukder

And

Mr. Justice Kazi Ebadoth Hossain

Criminal Miscellaneous Case No. 66843 of 2022

Mia Nur Uddin Ahmed Apu

..... Accused-Petitioner.

-Versus-

The State and another

..... Opposite-parties.

Mr. Md. Sagir Hossain, Advocate

..... For the Accused-Petitioner.

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-party.

Mr. A. K. M. Fazlul Hoque, Advocate

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

Heard and Judgment on: 09.07.2024.

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-parties to show cause as to why the accused-petitioner should not be enlarged on bail in Special Case No.04 of 2022 arising out of Metropolitan Special Case No. 26 of 2021 arising out of Dudok Sajeka-01, Dhaka Case No. 11

dated 28.01.2021 corresponding to ACC G.R. No. 11 of 2022 under Section 26(2) of the Anti-Corruption Commission Act, 2004, now pending in the Court of learned Special Judge, Court No. 10, Dhaka and/or pass such other or further order or orders as to this Court may seem fit and proper.

Mr. Md. Sagir Hossain, the learned Advocate the accused-petitioner, submits that after obtaining bail from this Court at the time of issuance of the Rule, the accused-petitioner is regularly appearing before the Court below and he never misused the privilege of bail.

On the other hand, Mr. A. K. M. Fazlul Hoque, the learned Advocate appearing for the Anti-Corruption Commission, could not produce any scrap of paper to show that the accused-petitioner 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-petitioner misused the privilege of bail.

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

Accordingly, the Rule is made absolute.

The bail granted earlier to the accused-petitioner is, hereby, confirmed and he 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-petitioner if he misuses 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.