

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Islam

09.07.2024

Mr. Nazmul Hassan Rakib, Advocate

....For the convict-appellant.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), A.A.G.

....For the State

This is an application for bail in a pending appeal.

The convict-appellant has been convicted in Session Case No.609 of 2005 arising out of Kaliganj Police Station Case No.06 dated 16.04.2004 under Sections 302/34 of the Penal Code and sentenced to imprisonment for life and fine of Tk.10,000/- (ten thousand) in default to suffer rigorous imprisonment for 3(three) months more.

Mr. Nazmul Hassan Rakib, learned Advocate for the convict-appellant Sana Ullah submits that in the ejahar it has been alleged the appellant Sana Ullah struck a bamboo stick blow on the head of victim Shamsul Hoque and co-accused Masud struck dagger blow on the left side of hip causing his death. PW1 Hafeza the wife of the above victim did not

specifically mention in her evidence in Court that above victim sustained head injury due to bamboo stick blow of the appellant. She has stated that co-accused Nure Alam and Anowar Hossain subjected above victim to repeated lathi blows.

The petitioner has already served out more than 6(six) years of above sentence and there is no likelihood of hearing of the appeal on merit soon.

Mr. Sujit Chatterjee, learned Deputy Attorney General raises objection against granting of bail to the appellant at this point of time.

We have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

As mentioned above the allegation brought against the appellant was that he struck a lathi blow on the head of victim Shamsul Hoque. But while giving evidence in Court the eye witness and wife of above victim PW1 Hafeza Begum did not specifically mention that her husband sustained head injury due to bamboo stick blow of the appellant. The appellant has already served out for more than 6(six) years of above sentence and there is no likelihood of hearing of the appeal on merit soon.

On consideration of above materials on record we are inclined to grant bail to the convict-appellant.

Criminal Appeal No.11934 of 2019

As such, the application for bail is allowed.

Let convict-appellant Sana Ullah, son of Md. Sobhan be enlarged on bail for a period of 01(one) year with condition that during above period the appellant shall prepare paper book out of the Court. The appellant shall also execute a bail bond to the satisfaction of the learned Additional Session Judge, 2nd Court, Gazipur.

MD. MASUDUR RAHMAN
BENCH OFFICER