

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

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice Md. Ali Reza

Criminal Miscellaneous Case No. 64735 of 2023

Mst. Razia Sultana

.... Accused-Petitioner

-Versus-

The State

.... Opposite Party

Mr. Neoaz Morshed, Advocate

.... For the petitioner.

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

Ms. Farhana Afroze Runa, A.A.G.

Mr. Md. Abdul Aziz Masud, A.A.G.

Mr. Md. Shamim Khan, A.A.G.

.... For the State.

Heard and Judgment on 06.02.2024

S M Kuddus Zaman, J:

On an application under section 498 of the Code of Criminal Procedure this Rule was issued calling upon the opposite party to show cause as to why the accused petitioner should not be enlarged on bail in Koyra Police Station Case No. 24 dated 26.10.2021 corresponding to G.R. Case No. 187 of 2021 under Sections 302/201/34 of the Penal Code, 1860, now pending in the Court of learned Senior Judicial Magistrate, Cognizance Court, Koyra, Khulna and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts in short are that victim Habibullah, his wife Beauty and minor girl Toni were murdered on 25.10.2021 and their dead body were found floating in the pond.

Mr. Neoaz Morshed, learned Advocate for the petitioner submits that the accused petitioner was not suspected by the informant and her name did not appear in the ejaher. She was arrested on suspicion on 27.10.2021 and she is in custody since above date but the investigation of this case has not yet been concluded.

Mr. Sujit Chatterjee, learned Deputy Attorney General raises objection against granting of bail to the petitioner at this point of time mentioning that three co-accused persons have made separate confession under Section 164 of the Code of Criminal Procedure. Out of them two co-accused persons namely Abdur Rashid and Saiful Islam Babul mentioned the name of the petitioner as an assailant.

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

The petitioner is a woman and she has kids. The name of the petitioner has not been mentioned in the FIR and she did not make any confession under Section 164 of the Code of Criminal Procedure.

Two co-accused persons namely Abdur Rashid and Saiful Islam Babul Abdul have made separate confession under Section 164 of the Code of Criminal Procedure and they have mentioned the name of accused petitioner as the assailant of above victim. The investigation of the case is still ongoing.

On consideration of the material on record, we are inclined to grant bail to the petitioner.

In above view of the materials on record, we find substance in this petition and the Rule issued in this connection deserves to be made absolute.

In the result, the Rule is made absolute.

Let the accused-petitioner namely Mst. Razia Sultana, wife of Abdul Kuddus Gazi be enlarged on bail subject to furnishing bail bond to the satisfaction of the learned Senior Judicial Magistrate, Cognizance Court, Khulna.

The learned Judge of the Court below is at liberty to cancel the bail of the accused-petitioner if he misuses the privilege of bail in any manner whatsoever.

Communicate this judgment and order to the Court concerned at once.

Md. Ali Reza, J:

I agree.