

District-Gazipur

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

Criminal Miscellaneous Case No. \_\_\_\_\_ of 2023.

**In the matter of:**

An application under Section 498 of the Code of Criminal Procedure for anticipatory bail.

-And-

**In the matter of :**

Sarker Javed Ahemd Suman and others.

..... Accused-petitioners.

-Versus-

The State

.....Opposite-party.

Mr. Md. Iqbal Hossain Sheikh, Advocate

..... For the accused-petitioners.

Mr. Md. Saiefuddin Khaled, 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.

**Present:**

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

**And**

**Mr. Justice Kazi Ebadoth Hossain**

**Order dated: the 28<sup>th</sup> day of February, 2024.**

This is an application under Section 498 of the Code of Criminal Procedure for enlarging the accused-petitioners on anticipatory bail in Tongi Purbo Police Station Case No. 40 dated 26.10.2023 corresponding to G.R. No. 444 of 2023 under Sections 15(3)/25D of the Special Powers Act, 1974, now pending in the court of learned Chief Metropolitan Magistrate, Gazipur.

The accused-petitioners who have been identified by their engaged Advocate, have surrendered before this Court today.

The learned Advocate for the accused-petitioners, submits that the allegations made in the first information report are not true and that the informant has filed the instant case to harass and humiliate the petitioners and for these reasons, the accused-petitioners may be enlarged on anticipatory bail.

He next submits that the accused-petitioners remain innocent until their guilt is proved beyond all reasonable doubt and any confinement prior to the legal verdict is unjustified and considering this aspect of the case, the accused-petitioners may be enlarged on anticipatory bail.

He lastly submits that there is no specific allegation against the accused-petitioners rather they have been implicated with instant case with a view to harassing and humiliating them and as such, the accused-petitioners may be enlarged on anticipatory bail.

The learned Deputy Attorney-General appearing for the State, opposes the prayer for anticipatory bail and submits that there are specific allegations against the accused-petitioners and as such, they should not be enlarged on anticipatory bail.

We have heard the learned Advocate for the accused-petitioners and the learned Deputy Attorney-General for the

State opposite-party and perused the application for anticipatory bail.

Considering the facts and circumstances of the case, the allegations, the statements and the grounds taken in the application, we find *prima-facie* case in favour of the accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 and as such, we are inclined to enlarge the accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 on anticipatory bail for a limited period.

Let the accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 namely 2. Gazi Salahuddin son of Gazi Abdul Latif, 3. Muktadir Ahmed Lipu Mollah son of Md. Manik Mollah, 4. Md. Asaduzzaman Mamun son of Md. Azizullah, 5. Md. Ariful Haque Prodhan alias Subel son of Montu, 6. Benjir Rahman Pinto alias Md. Benjir Rahman Khan Pinto son of Abdur Rahman Khan and 7. Md. Sirajul Islam Sathi son of Oli Ullah Miah be enlarged on anticipatory bail in the above mentioned case for a period of 6(six) weeks from date, on furnishing adequate bail bond to the satisfaction of the learned Chief Metropolitan Magistrate, Gazipur.

The accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 are directed not to go abroad without the permission of the learned Judge of the concerned Court below.

The accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 are directed to provide necessary assistance and co-operation to the investigating agency if required and asked for.

Immediately after expiry of the period of anticipatory bail, the accused-petitioner Nos. 2, 3, 4, 5, 6, & 7 are directed to surrender before the learned Metropolitan Sessions Judge, Gazipur, positively and without fail.

Further, the prayer for anticipatory bail in respect of the accused-petitioner No. 1 namely 1. Sarker Javed Ahemd Suman son of Dr. Nazim Uddin Ahmed, is rejected being not pressed.

However, the learned Metropolitan Session Judge, Gazipur, is directed to deal with the case in accordance with law.

The accused-petitioners are also directed to submit an undertaking to the effect that they will never participate in any subversive activity such as vandalizing and setting fire to any property belonging to the State.

With the above observations and directions, the application is disposed of.

Let a copy of this order be communicated to the learned Metropolitan Session Judge, Gazipur and the learned Chief Metropolitan Magistrate, Gazipur, at once.

**Md. Nazrul Islam Talukder, J.**  
**And**

**Kazi Ebadoth Hossain, J.**