

District-Gopalganj

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

Criminal Miscellaneous Case No. _____ of 2024.

In the matter of:

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

-And-

In the matter of :

Mujibur Rahman Howlader

..... Accused-petitioner.

-Versus-

The State and another

.....Opposite-parties.

Mr. A.H.M. Kholilullah, 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 parties.

Mr. Md. Ashif Hasan, Advocate

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

Present:

Mr. Justice Md. Nazrul Islam Talukder

And

Mr. Justice Kazi Ebadoth Hossain

Order dated: the 30th day of April, 2024.

This is an application under Section 498 of the Code of Criminal Procedure for enlarging the accused-petitioner on anticipatory bail in Durniti Damon Commission, District Office, Gopalganj

Case No.02 dated 28.04.2024 under Section 27(1) of the Durniti Damon Commission Ain, 2004 now pending in the Court of learned Sessions Judge, Gopalganj.

The accused-petitioner who has been identified by his engaged Advocate, has surrendered before this Court today.

The learned Advocate for the accused-petitioner, 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 petitioner and for these reasons, the accused-petitioner may be enlarged on anticipatory bail.

He next submits that the accused-petitioner remain innocent until his 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-petitioner may be enlarged on anticipatory bail.

He lastly submits that there is no specific allegation against the accused-petitioner rather he has been implicated with instant case with a view to harassing and humiliating him and as such, the accused-petitioner 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-petitioner and as such, he should not be enlarged on anticipatory bail.

We have heard the learned Advocate for the accused-petitioner, the learned Advocate for the Anti-Corruption Commission and the learned Deputy Attorney-General for the State opposite-parties 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 and as such, we are

inclined to enlarge the accused-petitioner on anticipatory bail for a limited period.

Let the accused-petitioner namely Mujibur Rahman Howlader son of late Abul Hashem Howlader and Sonai Bibi, 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 Sessions Judge, Gopalganj.

The accused-petitioner is directed not to go abroad without the permission of the learned Judge of the concerned Court below.

The accused-petitioner is 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 is directed to surrender before the learned Senior Special Judge, Gopalganj, positively and without fail.

However, the learned Senior Special Judge, Gopalganj, is directed to deal with the case in accordance with law.

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

Let a copy of this order be communicated to the learned Senior Special Judge, Gopalganj and the learned Sessions Judge, Gopalganj, at once.

Md. Nazrul Islam Talukder, J.
And

Kazi Ebadoth Hossain, J.