

DISTRICT-MYMENSINGH.

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 :

Md. Fakhrul Kabir and others

..... **Accused-petitioners.**

-Versus-

The State

.....**Opposite-party.**

Mr. Mirza Al Mahmood, 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 23rd day of January, 2024.

This is an application under Section 498 of the Code of Criminal Procedure for enlarging the accused-petitioners on anticipatory bail in Trishal Police Station Case No.13 dated 31.10.2023 under Sections 15(3) of the Special Powers Act, 1974 read with Sections

143/147/148/149/332/353 of the Penal Code, 1860 now pending in the Court of learned Chief Judicial Magistrate, Mymensingh.

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.

Mr. Md. Saiefuddin Khaled, 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-petitioners and as such, we are inclined to enlarge the accused-petitioners on anticipatory bail for a limited period.

Let the accused-petitioners namely 1) Md. Fakhrul Kabir son of late Kamruzzaman Monal, 2) Shamsul Haque son of late Taleb Ali, 3) Jahangir Sarowar son of late Mostafizur Rahman, 4) Sajib Sarker

son of Mokbul Hossain, 5) Akram Hossain son of Afran Ali, 6) Asaduzzaman Chan Miah son of Ofez Uddin Bepari, 9) Shahidul Islam Tarofdar alias Cornel son of late Idris Ali Torofdar 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 Judicial Magistrate, Mymensingh.

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

The accused-petitioners 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-petitioners are directed to surrender before the learned Sessions Judge, Mymensingh, positively and without fail.

However, the learned Sessions Judge, Mymensingh, is directed to deal with the case in accordance with law.

The name of petitioner Nos.7 and 8 are deleted from the application.

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

Let a copy of this order be communicated to the learned Sessions Judge, Mymensingh and the learned Chief Judicial Magistrate, Mymensingh, at once.

Md. Nazrul Islam Talukder, J.
And

Kazi Ebadoth Hossain, J.