

DISTRICT-NARAYANGANJ.

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 :

Shahid Sarker

..... **Accused-petitioner.**

-Versus-

The State

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

Mr. Mohammed Nahidul Islam, Advocate

..... **For the accused-petitioner.**

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-petitioner on anticipatory bail in Sonargaon Police Station Case No.31 dated 21.08.2023, corresponding to G.R No.370 of 2023, under Sections 143 / 149 / 186 / 353 / 332 /

307 / 427 / 109 / 114 of the Penal Code, 1860 read with Sections 3/6 of the Explosive Substances Act, 1908 now pending in the Court of learned Chief Judicial Magistrate, Narayangonj.

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 is 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.

Mr. Md. Saiefuldin 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-petitioner and as such, he should not be enlarged on anticipatory bail.

We have heard the learned Advocate for the accused-petitioner 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 and as such, we are inclined to enlarge the accused-petitioner on anticipatory bail for a limited period.

Let the accused-petitioner namely Shahid Sarker son of late A. Mojid Sarker 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, Narayangonj.

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 Sessions Judge, Narayanganj, positively and without fail.

However, the learned Sessions Judge, Narayanganj, 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 Sessions Judge, Narayanganj and the learned Chief Judicial Magistrate, Narayanganj, at once.

Md. Nazrul Islam Talukder, J.
And

Kazi Ebadoth Hossain, J.