

Present:

*Mr. Justice S M Kuddus Zaman*

*And*

*Mr. Justice A.K.M. Rabiul Islam*

**30.07.2024**

Mr. Syed Mamun Mahmud with  
Mr. Mohammad Shazzad Ali Chowdhury,  
Advocates

....For the convict-appellant.

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

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), A.A.G.

....For the State

Mr. A.K.M. Fazlul Hoque, Advocate

.... For the Anti-Corruption.

This is an application for bail in a pending appeal.

The convict-appellant, Md. Akter Hossain, a retired Junior Officer of the Sonali Bank Limited, Bhatiparha Branch, Kashiani, Gopalganj was tried jointly with other three co-accused persons and convicted by the learned Special Judge, Faridpur in Special Case No.01 of 2020 arising out of Kashianai Police Station Case No.27 dated 29.11.2017 corresponding to G.R. Case No.328 of 2017 under Sections 409/109 of the Penal Code and convicted and sentenced to imprisonment for 8(eight) years and fine in default to suffer imprisonment for 01(one) year more and under Sections 467/471 of

Penal Code and sentencing him to suffer rigorous imprisonment for 7(seven) years and fine in default to suffer imprisonment for 7(seven) days more and under Section 5(2) of Prevention of Corruption Act, 1947 and sentencing him to suffer rigorous imprisonment for 8(eight) years and fine in default to suffer imprisonment for 1(one) month.

Mr. Syed Mamun Mahbub, learned Advocate for the convict appellant submits that the appellant was a Junior Officer of the Sonali Bank Limited, Bhatiparha Branch, Kashiani, Gopalganj and he had no authority to approve or give sanction to loan proposals which were done by the Senior Officers. Co-convict Fedous Alam and S.M. Mosharaf Hossain who are the Manager and Principal Officer of above Bank and tried jointly by the appellant and sentenced to 8(eight) years imprisonment have been granted bail by this Court on 28.06.2022 in Criminal Appeal No.2220 of 2022.

The appellant has already served out more than 4(four) years of above sentence and there is no likelihood of hearing of the appeal on merit soon.

Mr. A.K.M. Fazlul Hoque, learned Advocate for the Anti-Corruption Commission raises objection

against granting of bail to the appellant at this point of time.

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

As mentioned above convict appellant Md. Akter Hossain was tried jointly with co-accused Ferdous Alam and S.M. Mosharaf Hossain who were Manager and Senior Principal Officer of above Branch of the Sonali Bank Limited and convicted and sentenced to imprisonment for 8 (eight) years and both of them have been granted bail by this Court on 28.06.2022 pursuant to Criminal Appeal No.2220 of 2022.

The appellant has already served out for more than 4(four) years of above sentence and there is no likelihood of hearing of the appeal on merit soon.

On consideration of above materials on record we are inclined to grant bail to the convict-appellant for a limited period.

As such, the application for bail is allowed.

Let convict-appellant Md. Akter Hossain, son of late Tahajjed Sheikh be enlarged on bail for a period of 01(one) year subject to condition that he would prepare paper book out of the Court during above period and if he fails to prepare book out of the Court his above bail shall not be further extended The appellant shall also execute a bail bond to the satisfaction of the learned Special Judge, Faridpur.

MD. MASUDUR RAHMAN  
BENCH OFFICER