

Present:
Mr. Justice Zafar Ahmed
And
Mr. Justice Khandaker Diliruzzaman

Criminal Miscellaneous Case No. 31735 of 2022

Md. Shamim Kabir

...Accused- petitioner.

-Versus-

The State and another

...Opposite parties.

Mr. Mohammad Shishir Manir, Advocate

...For the petitioner

Ms. Quamrun Nessa Ratna, Advocate

.....For the opposite party No. 2

(Anti-Corruption Commission)

Heard and Judgment on: 15.01.2024

Zafar Ahmed, J.

In this application for bail filed under section 498 of the Code of Criminal Procedure, Rule was issued on 22.06.2022 calling upon the opposite parties to show cause as to why the accused-petitioner should not be enlarged on bail in connection with Special Case No. 05 of 2020 arising out of দুদক তদন্ত নং- ০১/২০২০ (কুমিল্লা) dated 16.02.2020 under Section 4(2) of the Money Laundering Prevention Act, 2012, now pending in the Court of Senior Special Judge, Cumilla and/ or pass such other

or further order or orders as to this Court may seem fit and proper.

We have heard the learned Advocate of the accused petitioner, and the learned Advocate for the opposite party No. 2 ACC.

Ms. Quamrun Nessa Ratna, the learned Advocate appearing for the ACC vehemently opposes the Rule.

In the instant case, the FIR was lodged on 16.02.2020 by the ACC. The petitioner was arrested on 16.02.2020 and since then he has been languishing in jail custody. The petitioner is the sole accused in the case.

Today, when the Rule was taken up for hearing, the learned Advocate appearing for the accused petitioner produces before us the certified copy of the order dated 03.01.2024 passed by the Senior Special Judge, Cumilla. It appears from the said order that the investigating officer of the ACC has not yet submitted investigation report in the case.

Considering the long custody of accused petitioner, we find merit in the Rule.

In the result, the Rule is made absolute.

The accused petitioner, namely **Md. Shamim Kabir, son of late Ali Akkas** be enlarged on bail on furnishing bail

bond to the satisfaction of the Court of Senior Special Judge, Cumilla till disposal of Special Case No. 05 of 2020.

However, the Court below is at liberty to cancel the bail if the accused-petitioner misuses the privilege of the same.

Office is directed to send a copy of this judgment and order to the concerned Court below immediately.

Khandaker Diliruzzaman, J.

I agree.

Mazhar/BO