

Present

Mr. Justice Md. Ruhul Quddus

and

Mr. Justice A K M Rabiul Hassan

Dated: 15.01.2024

Mr. M A Muntakim, Advocate

... for the convict-appellants

Mr. Shaheen Ahmed Khan, Deputy Attorney General

...for the State

This is an application for bail of the appellants number 1-3 in the instant criminal appeal that has been filed against the judgment and order dated 04.09.2022 passed by the Judge, Druta Bichar Tribunal, Khulna in Druta Bichar Tribunal Case Number 02 of 2022 (arising out of Session Case Number 487 of 2020 corresponding to Terokhada Police Station Case Number 5 dated 08.08.2019 and G R Number 113 of 2019) convicting the appellant under Sections 302 and 34 of the Penal Code and sentencing them thereunder to suffer rigorous imprisonment for life with a fine of Taka 5,000/- (five thousand) in default to suffer imprisonment for another 01 (one) year.

Mr. M A Muntakim, learned advocate for the appellants submits that in the present case, 17 accused were named in the FIR

and put on trial, but there was no credible evidence against the convict-appellants number 1-3. They have been convicted only on the basis of confession of the co-accused. Three other co-convict, namely, S M Din Islam, Noo Islam Sheikh and Hossain Sheikh have already been granted bail by this Division. Of them co-convict S M Deen Islam and Nur Islam Sheikh are standing on same footing with the present appellants. Against their bail, the State went up to the Appellate Division but the Appellate Division did not interfere with the order of the High Court. The appellants 1-3 have a fair chance of acquittal, but there is no possibility of immediate hearing of the appeal.

Mr. Shaheen Ahmed Khan, learned Deputy Attorney General opposes the prayer for bail, but does not controvert the material points raised by the learned advocate for the appellants.

We have heard the learned advocate as well as the learned Deputy Attorney General. Considering the facts and circumstance of the present case, we are inclined to grant bail to the appellants for a limited period.

Accordingly, the convict-appellants (1) Khayrul Sheikh, son of late Mosharef Sheikh, (2) Keramat Mollik, son of Tuku Mollik, and (3) Mahbur Sheikh, son of late Sadar Ali Sheikh are enlarged on bail in the instant criminal appeal for a period of 06 (six) months

subject to furnishing bail bond to the satisfaction of the Judge, Druta Bichar Tribunal, Khulna.

In the meantime, the appellants are directed to prepare requisite number of paper books outside the court and deposit the same in the office within three months, failing which no further extension of bail shall be granted.

The appeal will be heard along with Criminal Appeals Number 8677 of 2022 and 9022 of 2022