

Criminal Appeal Case No. 11670 of 2022

Order dated 17.12.2023

Mr. Mohammad Abul Kalam Azad, Advocate.

.....For the appellant.

Mrs. Yesmin Begum Bithi, D.A.G.

.....For the Sate.

This is an application for bail of the convict appellant Md. Md. Riad who has been convicted under sections 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000, and sentenced to suffer rigorous imprisonment for life and to pay a fine of Tk. 1,00,000/- will be obtained by the victim Moyna Akter as compensation.

Mr. Mohammad Abul Kalam Azad, the learned Advocate appearing for the petitioner has submitted that there is no iota of evidence as to the petitioner and the petitioner is totally innocent and in no way he is connected with the alleged offence. Learned Advocate has further submitted that the informant has falsely implicated the petitioner with this case only to harass him. Learned Advocate has further submitted that the convict petitioner has been languishing in Jail since 6.11.2022 and there is every chance of acquittal of this appellant. Learned Advocate has further submitted that the prosecution examined as many as 7 witnesses to prove the case but could not prove the case beyond reasonable doubt against the convict appellant. Learned Advocate has earnestly submitted that the petitioner has already suffered about one year , out of

his sentence, and there is no chance of early hearing of the appeal, moreover, the prosecution has miserably failed to prove its case against the appellant i.e. it is a case of no evidence, accordingly, he has prayed for bail.

The learned Deputy Attorney General appearing for the opposite party opposes the prayer for bail.

Heard the learned advocate of both sides and perused the impugned judgment, deposition of the P.Ws and other documents annexed to the application for bail.

Admittedly this is an appeal of 2022. The learned Advocate has submitted that the conviction and sentence may not be found tenable at the time of hearing of the appeal as this appellant had no connection with the offence as disclosed in section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000, moreover, there is no certainty as to when the appeal will be heard though the appeal is ready for hearing. In that view of the matter the prayer for bail is allowed.

Let the convict appellant Md. Riad son of late Lutfor Rahman, be enlarged on bail till disposal of the appeal after furnishing bail bond to the satisfaction of the Chief Judicial Magistrate, Kishoregonj.