

Criminal Appeal Case No. 12307 of 2022

Order dated 14.1.2024

Mr. Mahdin Choudhury, Advocate.

.....For the appellant.

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

.....For the Sate.

This is an application for bail of the convict appellant Abdul Rashid alias Shahid son of late Sayim Ullah, 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/-.

Mr. Mahdin Choudhury, the learned Advocate has contended that the appellant was on bail at the trial stage. Learned Advocate has further submitted that the appellant has been taken into Jail hajat on 25.9.2022 and since then he has been languishing in custody. Learned Advocate has further submitted that as per direction of this Court the Jail authority has arranged for solemnizing marriage between the accused and the victim informant in presence of the marriage register. Learned Advocate has earnestly submitted that the accused appellant is eager to maintain their married life, accordingly, he has prayed for bail of the accused petitioner.

Mrs. Yesmin Begum Bithi, the learned Deputy Attorney General has opposed the prayer for bail but found it difficult to

controvert the submission of the learned Advocate for the accused appellant.

In order to appreciate their submissions we have gone through the record and given our anxious consideration to their submissions.

Considering the submission of the learned Advocate for the appellant to the effect that the appellant after pronouncement of judgment the convict appellant bail was cancelled on 25.9.2022 and since then he has been languishing in custody. Learned Advocate has submitted that while the accused disclosed his eagerness to marry the victim, this court passed an order to solemnize marriage inside the jail and the jail authority as per order of this Court arranged for marriage between the two and in that connection the Jailer of the Sunamganj Central Jail has communicated a report to this Court. From the order sheet it is evident that there is no certainty as to when the trial will be concluded, as such, we are inclined to enlarge the appellant on bail. We, thus, found merits in this appeal.

Let the convict appellant Abdul Rashid alias Shahid son of late Sayim Ullah, be enlarged on bail till disposal of the appeal after furnishing bail bond to the satisfaction of the Chief Judicial Magistrate, Sunamganj.