

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

Criminal Appeal No. 4713 of 2023

Md. Shahjamal alias Saddam alias Tofayel
alias Rojin

...Accused- petitioner
-Versus-

The State

...Respondent

Mr. Md. Ruhul Quddus with
Mr. Md. Kamrul Islam, Advocates

...For the appellant

Mr. Md. Sarwar Hossain Bappi, DAG with
Ms. Moududa Begum (Fancy),
Mr. Mohammad Selim and
Mr. Mirza Mohammed Soyeb Muhit, AAGs

.....For the State

Heard on: 29.11.2023 and 02.01.2024

Judgment on: 14.01.2024

Zafar Ahmed, J.

This appeal under Section 30 of the Special Powers Act, 1974 is directed against the order dated 08.05.2023 passed by the Special Tribunal No. 01, Thakurgaon in Special Tribunal Case No. 08 of 2022 arising out of Ranisankail Police Station Case No. 17 dated 17.03.2021 corresponding to G.R. No. 57 of 2021 under Section 19A of the Arms Act, 1878, now pending in

the Court of Special Tribunal No. 01, Thakurgaon rejecting the prayer for bail of the appellant Md. Shahjamal alias Saddam alias Tofayel alias Rojin,

We have heard the learned Advocate of the appellant, and the learned Deputy Attorney General.

The learned Deputy Attorney General opposes the prayer for bail.

In this case, the FIR was lodged on 17.03.2021. Date of occurrence is 17.03.2021. The appellant is FIR named accused No. 5. There are total 8 accused in the case. The accused Nos. 1 and 2 were arrested from the place of occurrence. Both of them made judicial confession. Both of them were granted bail by this Division on 28.04.2022. The appellant was arrested on 09.02.2022. He also made a judicial confession.

Considering the custody of the petitioner and facts that other confessing co-accused have been granted bail by this Division, we find merit in the appeal.

In the result, the appeal is allowed.

The accused appellant, namely **Md. Shahjamal alias Saddam alias Tofayel alias Rojin, son of Md. Abdul Khalek**

be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Judge, Special Tribunal No. 01, Thakurgaon till disposal of G.R. No. 57 of 2021.

However, the Court below is at liberty to cancel the bail if the accused-appellant 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.