

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

Criminal Appeal No. 5747 of 2023

Md. Anwar @ Anar
...Accused- appellant
-Versus-
The State
...Respondent

Mr. Abdullah Al Baki, Advocate
...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 and Judgment on: 07.032024

Zafar Ahmed, J.

This appeal under Section 28 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 is directed against the order No. 13 dated 15.05.2023 passed by the learned Judge, Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Brahmanbaria in Nari-O-Shishu Case No. 297 of 2022 arising out of Nabinagar Police Station Case No. 07 dated 17.02.2021 corresponding to G.R. No. 28 of 2021 under Section 9(3) of the Nari-O-Shishu

Nirjatan Daman Ain, 2000, now pending in the Court of Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Brahmanbaria rejecting the prayer for bail of the appellant Md. Anwar @ Anar.

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

The learned Assistant Attorney General opposes the prayer for bail.

In the instant case, the FIR was lodged on 17.02.2021 at 12.10 am against unknown accused. On the same day, co-accused Awal Mia made a judicial confession before the learned Magistrate stating that on the date of occurrence (18.12.2020) he and others including the present petitioner had sex with the victim girl. Thereafter, dispute arose between the victim and the accused persons in respect of payment of money. At one stage of the altercation, the present petitioner strangled the victim with her scurf (গুড়না). The other accused including the confessing accused caught hold of the victim's hands and legs. Victim died on the spot. Postmortem examination was held and DNA test was conducted. The case

was sent to the Nari-O-Shishu Nirjatan Daman Tribunal. It appears that till 06.02.2024 no PW was examined. The present petitioner was arrested on 18.02.2021. He did not make any judicial confession.

Considering the above aspects of the case, we find merit in the appeal.

In the result, the appeal is allowed.

The accused appellant, namely **Md. Anwar @ Anar, son of Rafiqul Islam** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Judge, Nari-O-Shishu Nirjatan Daman Tribunal No. 1, Brahmanbaria.

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