

Criminal Appeal No. 7214 of 2023

13.12.2023

Mr. Akthar Farhad Zaman, Advocate  
...for the appellant.

Mrs. Yesmin Begum Bithi, D.A.G.  
...for the State.

This is an application for bail in a pending appeal.

The convict appellants are found guilty under section 302/34 of the Penal Code and sentencing them to suffer imprisonment for life and to pay a fine of Tk.10,000/-.

Mr. Akther Farhad Zaman, the learned Advocate appearing on behalf of the Convict appellants has submitted that both the appellant-petitioners were present before the learned trial Court below on the day of pronouncement of judgment and since then they have been languishing in jail custody. Learned Advocate has further submitted that it is evident from the materials on the record that the convict appellants have been convicted on the basis of suspicion, mere suspicion whatever strong might be can never be any basis of conviction as none of the prosecution witnesses supported the prosecution case against the convict appellants. Learned Advocate has further submitted that co-

convict has been enlarged on bail by this Division and the appellants is on the better footing. Learned Advocate has earnestly submitted that the conviction and sentence may not be found tenable at the time of hearing of the appeal accordingly, he has prayed for bail of these appellants.

Mrs. Yesmin Begum Bithi, learned Deputy Attorney General for the respondent opposes the prayer for bail.

We have considered the submissions of both sides, perused the evidence and materials on record so far available.

Admittedly this is an appeal of 2023. The learned Advocate has submitted that the conviction and sentence may not be found tenable at the time of hearing of the appeal. It appears from the record the convict appellants were present before the trial court at the time of trial and he never misused the privilege of bail and they have been very much present on the date of judgment and on that date. It is evident from record that the appellants have been languishing in Jail more than 5 (five) months, and there is

no chance of early hearing of the appeal; considering the facts and circumstances as stated above we are of the view that the appellants may be granted bail at this stage.

Accordingly, Let the convict appellants Nos.1. Abdul Quddus, 2. Abdul Hannan both son of Edha Mondal, 3. Md. Anowar son of Manik, 4. Ghutu Alom son of late Ayej Uddin, be enlarged on bail till disposal of the appeal after furnishing bail bond to the satisfaction of the Chief Judicial Magistrate, Joypurhat.