

Criminal Appeal No. 11462 of 2023**Present:****Mr. Justice Md. Shohrowardi****Mr. Md. Ruhul Quddus(Kazal), Senior Advocate with
Ms. Fahriya Ferdous, Advocate****.....For the appellant petitioner.****Ms. Chowdhury Nasima, Advocate****....For the respondent No. 2(ACC)****Mr. Shahidul Islam, AAG with****Ms. Sharmin Hamid, AAG****.....For the State****19.11.2024**

This is an application for bail in pending appeal filed against the judgment and order of conviction and sentence dated 26.09.2023 passed by Special Judge (Senior District and Sessions Judge), Faridpur in Special Case No. 01 of 2019 arising out of Faridpur Kotwali Police Station Case No. 53 dated 24.05.2017 corresponding G. R. Case No. 266 of 2017 convicting the appellant under sections 2(Ga), 2(Za), 2(Sha), 1 and 2 (Fa) of the Money Laundering Prevention Act, 2012 and sentencing him under section 4(2) of the said Act to suffer imprisonment for 5 (five) years and to pay a fine of Tk. (48,50,000+48,50,000)= 97,00,000/- (ninety-seven lakh), in default, to suffer imprisonment for 6 (six) months more.

The learned Senior Advocate Mr. Md. Ruhul Quddus appearing on behalf of the appellant petitioner submits that there is no allegation against the appellant petitioner that he received bribe from any particular affected person of the LA case. The only allegation against the appellant petitioner is that he deposited Tk. 48,50,000 in cash in his Account No. 04734000570 maintained with Bank Asia Limited, Faridpur Branch from 28.02.2013 to 24.04.2013 and he withdrew Tk. 25,00,000(twenty five lakh) from his account. He also submits that the appellant petitioner has been languishing in custody since the pronouncement of the impugned judgment and order dated 27.09.2023. Therefore, he prayed for the bail of the appellant petitioner.

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The learned Advocate Ms. Chowdhury Nasima appearing on behalf of respondent No. 2 (ACC) submits that the appellant petitioner deposited the money in his account received as a bribe from the fake owners of the acquired land owned by the government. Therefore, he committed offence under sections 2(Ga), 2(Ja), 2(Sha)(1), and 2 (Fa) of the Money Laundering Prevention Act, 2012. She prayed for the rejecting the bail application.

I have considered the submission of the learned Advocate Mr. Md. Ruhul Quddus who appeared on behalf of the appellant petitioner and the learned Advocate Ms. Chowdhury Nasima who appeared on behalf of respondent No. 2(ACC), perused the application for bail, evidence, impugned judgment and order passed by the trial court and the records.

It appears that the appeal is not ready for hearing. In the meantime, the appellant petitioner served in custody for about 01(one) year and 2(two) months and there is no early prospect of hearing the appeal. Considering the nature of the allegation and the custody of the appellant petitioner I am inclined to enlarge the appellant petitioner on bail in pending appeal.

Pending hearing of the appeal, let the appellant petitioner Mohammad Shahriar Motin, son of Abdul Motin, be enlarged on bail for 6 (six) months from the date subject to the satisfaction of the Special Judge (Senior District and Sessions Judge), Faridpur.

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