

Criminal Appeal No. 11461 of 2023**Present:****Mr. Justice Md. Shohrwardi****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. 10 of 2018 arising out of Gopalganj Sadar Police Station Case No. 38 dated 24.08.2014 corresponding G. R. Case No. 299 of 2014 convicting the appellant petitioner under sections 409/109 of Penal Code, 1860 read with section 5(2) of the Prevention of Corruption Act, 1947 and sentencing him to suffer imprisonment for 07 (seven) years and to pay a fine of Tk. 50,00,000/- (fifty lakh), in default, to suffer simple imprisonment for 6 (six) months more.

The learned Senior Advocate Mr. Md. Ruhul Quddus appearing on behalf of the appellant submits that 4 LA Case Nos. 7/2010-2011, 5/2009-2010, 11/2010-2011 and 10/2011-2012 were initiated long before the joining of the appellant petitioner in the office of the Deputy Commissioner, Gopalganj and all the awards in those LA cases were also prepared on 08.05.2012 before his joining on 13.01.2013 and the appellant petitioner issued the cheques following the award prepared in those LA cases before his joining. He further submits that the land acquisition officer who issued the notice for acquisition and prepared the award in those LA cases was not implicated as the accused in the case. He also submits that the appellant petitioner is languishing in custody from the date of pronouncement of the impugned judgment and order dated 26.09.2023 and there is no early

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prospect of hearing of the appeal. Therefore, he prayed for bail in pending appeal.

The learned Advocate Ms. Chowdhury Nasima appearing on behalf of respondent No. 2 (ACC) submits that the cheques were issued by the appellant petitioner to pay the compensation to the fake owners of the land owned by the government and the trial court on proper assessment and evaluation of the evidence legally convicted the appellant petitioner. Therefore, she prayed for rejection of the bail application.

I have considered the submission of the learned Senior 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), bail application, perused the evidence, impugned judgment and order passed by the trial court and the records.

On perusal of the records, it appears that the appeal was filed on 22.01.2024 but the same is not ready for hearing. In the meantime the appellant petitioner served about 01(one) year and 02(two) months in custody. Considering the submission of the learned Advocate for the appellant, the evidence, the facts and circumstances of the case and the period of custody, I am of the view that ends of justice would be best served if the appellant petitioner is granted bail pending hearing of the appeal.

Pending hearing of the appeal, let the appellant petitioner Md. 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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