

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL MISCELLANEOUS JURISIDICIION)

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Hassan

Criminal Miscellaneous Case No. 67890 of 2023

Md. Monir Hossain.

.... Accused-Petitioner

-Versus-

The State

.... Opposite Party

Mr. M. Sayed Ahmed Raza, Advocate with
Mr. Md. Uzzal Hossain, Advocate

.... For the petitioner.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Noor Us Sadik Chowdhury, D.A.G with

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), A.A.G

.... For the State.

Dated: on 5.06.2024

S M Kuddus Zaman, J:

On an application under section 561A of the Code of Criminal Procedure, at the instance of the petitioner, this rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 05.10.2023 passed by the learned Additional Metropolitan Sessions Judge, 3rd Court, Dhaka in Criminal Revision No. 1345 of 2023 dismissing the revision and thereby affirming the order dated 02.08.2023

passed by the learned Metropolitan Magistrate, Dhaka in Bodda G.R. Case No. 275 of 2021 arising out of Badda Police Station Case No. 24 dated 11.05.2021 under section 4(2) and 4(3) of the Money Laundering Prevention Act, 2012 should not be quashed and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts in short are that the petitioner was arrested by police on 22.11.2020 in connection of other three criminal cases and on 12.05.2021 he was shown arrested in this case alleging that besides owning 9(nine) valuable immovable properties the petitioner maintaining 129 bank accounts where total transaction was of Tk. 7910596523.69/- and at present there is a balance of Tk. 6180156602/-. The petitioner is a member of a criminal syndicate and above properties were acquired by criminal activities and money laundering. In the above case the petitioner was granted bail by this court on 05.04.2023 vide criminal Misc. Case No. 20831 of 2022 with condition to surrender his passport to the trial court. The petitioner wants to go Mecca for performing Hajj on 09.06.2024 and as such he filed an application to the trial court for getting back his passport but the Metropolitan Magistrate, Dhaka by order dated 02.08.2023 rejected the same.

Mr. M. Sayed Ahmed Raza, along with Mr. Md. Uzzal Hossain, the learned Advocates for petitioner submits that while granting bail to the petitioner in this case on 05.04.2023 vide Criminal Misc. Case No. 20831 of 2023 this court imposed a condition upon the petitioner for submitting his passport to the trial court below. The petitioner was in custody since 12.05.2021 until obtaining bail from this court on 05.04.2023 but till date the investigation of this case has not be concluded. The petitioner is a businessman and he wants to go Saudi Arabia as a pilgrim for performing holy Hajj as such he needs to get return back his above passport kept in the custody of the trial court. In support of the above submission the learned Advocate submitted some documents.

On the other hand, the learned Deputy Attorney General for the opposite party raises objection in returning back the passport to the petitioner at this stage of time.

We have considered the submission of the learned Advocate for the petitioner and carefully examined all the materials on record.

It turns out that at the time of granting of the bail to the petitioner in this case, this court directed to the petitioner for submitting his passport to the trial court on 05.04.2023 but till date the investigation of the case has not been concluded. The petitioner is a businessman and he wants to go Saudi Arabia on 09.06.2024 for performing holy Hajj.

In support of above reasons the learned Advocate for the petitioner has submitted all relevant documents before us.

We have restrained the petitioner from exercising his right to free movement for a considerable period of time but the investigation of this case has not been concluded. Moreover, there is no allegation against the petitioner regarding misuse of any term and conditions of the bail granted by this court.

On consideration of above facts and circumstances of this case as well as materials on record, we find substance in this rule.

Accordingly, the rule is made absolute.

The trial court is hereby directed to return back the passport to the petitioner.

A.K.M. Rabiul Hassan, J:

I agree.

Imam, B.O.