

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

**Criminal Miscellaneous Case No. 67701 of 2023**

Md. Biplab  
...Accused petitioner.  
-Versus-  
The State  
...Opposite party.

Mr. Md. Sakhawet Hossain, Advocate  
...For the petitioner  
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: 06.03.2024**

**Zafar Ahmed, J.**

In this application for bail filed under section 498 of the Code of Criminal Procedure, Rule was issued on 27.11.2023 calling upon the opposite party to show cause as to why the accused-petitioner should not be enlarged on bail in connection with Khilgaon Police Station Case No. 09 dated 07.10.2023 corresponding to G.R. No. 663 of 2023 under Sections 342, 385, 386, 323 and 506 of the Penal Code read with Section 8(2)

of the Pornography Niyatron Ain, 2012, now pending in the Court of Chief Metropolitan Magistrate, Dhaka.

We have heard the learned Advocate of the accused petitioner and the learned Deputy Attorney General.

The learned Deputy Attorney General vehemently opposes the Rule.

In the instant case the date of occurrence is 05.10.2023. The FIR was lodged on 07.10.2023. The present petitioner is FIR named accused No. 2. This Court, vide order 20.11.2023 granted bail to the FIR named accused No. 1 Bilkish @ Tania in Criminal Miscellaneous Case No. 65845 of 2023. Thereafter, vide order dated 13.11.2023, this Court granted bail to the FIR named co-accused No. 3 Ibrahim Hosen Razu and FIR named co-accused No. 4 Lingkon Kholifa in Criminal Miscellaneous Case No. 64747 of 2023. The case of the present petitioner stands on the same footing as that of the co-accused persons who have been granted bail by this Division. The present petitioner was arrested on 06.10.2023.

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

In the result, the Rule is made absolute.

The accused petitioner, namely **Md. Biplab, son of Mizanur Rahman** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of Chief Metropolitan Magistrate, Dhaka till disposal of G.R. No. 663 of 2023.

However, the Court below is at liberty to cancel the bail if the accused-petitioner misuses 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.

Mazhar/BO