

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

Criminal Miscellaneous Case No. 69943 of 2023

Md. Mahabul Islam and another
...Accused petitioners.
-Versus-
The State
...Opposite party.

Ms. Salina Akther Chowdhury , Advocate
...For the petitioners

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: 14.03.2024

Zafar Ahmed, J.

In this application for bail filed under section 498 of the Code of Criminal Procedure, Rule was issued on 05.12.2023 calling upon the opposite party to show cause as to why the accused-petitioners should not be enlarged on bail in Sessions Case No. 1609 of 2023 arising out of Daulatpur Police Station Case No. 34 dated 16.03.2023 corresponding to G.R. No. 142 of 2023 under Sections 323, 447, 302 and 506 of the Penal

Code, now pending in the Court of Additional Sessions Judge, 1st Court, Kushtia.

When the Rule is taken up for hearing, the learned Advocate appearing of the petitioners submits that he would not press the Rule in respect of petitioner No. 1 Md. Mahabul Islam.

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.

The accused petitioner No. 2 was arrested on 16.03.2023. She is a woman.

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

In the result, the Rule is made absolute in part so far as relates to petitioner No. 2.

The Rule is discharged in respect of petitioner No. 1 as being not pressed.

The accused petitioner No. 2, namely **Most. Kanok Lata, wife of Md. Mahabul Islam** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Additional Sessions Judge, 1st Court, Kushtia till disposal of Sessions Case No. 1609 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