

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

Present:

Mr. Justice Md. Nazrul Islam Talukder

And

Mr. Justice Kazi Ebadoth Hossain

Criminal Miscellaneous Case No.6154 of 2024

Md. Abdur Rahim

..... Accused-petitioner.

-Versus-

The State

..... Opposite party.

Mrs. Farida Yasmin Rumi, Advocate

..... For the Accused-petitioner.

Mr. Md. Saiefuddin Khaled, D.A.G with

Mr. Md. Asaduzzaman, A.A.G with

Mrs. Afifa Begum Swapna, A.A.G and

Mr. Sarwar Akhtar Masud, A.A.G,

..... For the State-opposite-party.

Heard and Judgment on: 27.02.2024.

Md. Nazrul Islam Talukder, J:

On an application under Section 498 of the Code of Criminal Procedure, this Rule, at the instance of the accused-petitioner, was issued calling upon the

opposite-parties to show cause as to why the accused-petitioner should not be enlarged on bail in Titas Case No.13 dated 27.09. 2023 corresponding to G.R No.114 of 2023 under Section 19A of the Arms Act, 1878, now pending in the Court of learned Chief Judicial Magistrate, Cumilla and/or pass such other or further order or orders should not pass as to this Court may seem fit and proper.

The prosecution case, in short, is that the informant and his companion forces getting a secret information arrested the accused-petitioner and recovered a country made revolver from the bed room of the accused-petitioner at the showing of the accused-petitioner. Hence, the F.I.R under Section 19A of the Arms Act, 1878.

The investigation of the case is underway. During investigation the case, the accused-petitioner submitted an application for bail but the same was rejected.

Mrs. Farida Yasmin Rumi, the learned Advocate appearing on behalf of the accused-petitioner, submits that the accused-petitioner is quite innocent and implicated in the case out of a conspiracy by his enemies and as such, the accused-petitioner may be enlarged on bail.

She next submits that the F.I.R is a belated one and the said delay was used for concoction of the FIR story and as such, the accused-petitioner may be enlarged on bail.

She further submits that nothing has been recovered from his control and possession and as such the accused-petitioner may be enlarged on bail.

She lastly submits that the accused-petitioner was arrested on 27.09.2023 and since then he has been languishing in the jail custody and there is no prospect of conclusion of trial within a short span of time and as such, the accused-petitioner may be enlarged on bail.

Mr. Md. Saiefuddin Khaled, the learned Deputy Attorney-General appearing for the State, very strongly opposes the prayer for bail and submits that the accused-petitioner's custody period is very short and for such reason, the accused-petitioner should not be enlarged on bail.

He lastly submits that if the sort of people is enlarge on bail, in that case, the crimes in the society may be increased and for this reason, he should be kept in jail custody until the investigation report is submitted before the concerned court below.

We have gone through the application for bail filed under Section 498 of the Code of Criminal Procedure. We have also heard the learned Advocates for respective parties and considered their submissions to the best of our wit and wisdom.

According to the submissions of the learned Advocate for the accused-petitioner, the accused-petitioner is quite innocent and implicated in the case out of a conspiracy by his enemies; the F.I.R is a belated one and the said delay was used for concoction of the FIR story; nothing has been recovered from his control and possession; the

accused-petitioner was arrested on 27.09.2023 and since then he has been languishing in the jail custody and there is no prospect of conclusion of trial within a short span of time.

Having considered all the facts and circumstances of the case and the submissions advanced by the respective parties, we find merit in this Rule and accordingly, we are inclined to enlarge the accused-petitioner on bail making the Rule absolute.

Consequently, the Rule is made absolute.

Let the accused petitioner **Md. Abdur Rahim son of late Abdur Rab** be enlarged on bail in the above mentioned case till conclusion of trial of the case if any on furnishing adequate bail bond to the

satisfaction of the learned Chief Judicial Magistrate,
Cumilla.

However, the learned judge of the court below shall be at liberty to cancel the bail of the accused-petitioner if he misuses the privilege of bail in any manner.

The accused-petitioner is directed to provide all sorts of co-operation and assistance to the Investigating Officer if required.

Let a copy of this judgment and order be communicated to the learned judge of the concerned court below, forthwith.

Kazi Ebadoth Hossain, J:

I agree.