

Present:

Mr. Justice A.K.M. Asaduzzaman

And

Mr. Justice Syed Enayet Hossain

Criminal Misc. Case No. 69387 of 2023

Dr. Sayed @ Dr. Sayed Mohammad Rijvee

.....Petitioner.

-Versus-

The State

.....Opposite party.

Mr. Kayser Kamal, Advocate with

Mr. Mir A.K.M. Nurun Noby, Advocate

.....For the petitioner.

Mr. Md. Jasim Sarker, D.A.G. with

Mr. Rasel Ahmmad, D.A.G. with

Mr. Md. Geas Uddin Gazi, A.A.G. with

Mrs. Shamima Akhter Banu, A.A.G. and

Mrs. Laboni Akter, A.A.G. and

Mr. Kazi Mohammad Moniruzzaman, A.A.G.

.. ... For the state.

Heard and judgment on 6<sup>th</sup> November, 2024.

A.K.M. Asaduzzaman,J.

This rule was issued calling upon the opposite party to show cause as to why the petitioner should not be enlarged on bail

in Banani Police Station Case No. 45 dated 26.09.2023 corresponding to G.R. No. 367 of 2023 under section 6(2) (C) 7/8/9/10/11/12/13 of the Sontrash Birodhi Ain, 2009, pending in the Court of Chief Metropolitan Magistrate, Dhaka.

Since the petitioner failed to get bail from the court below, he moved before this Hon'ble Court and obtained the instant rule and ad-interim bail.

It is submitted that the petitioner since has got fair chance of acquittal in this case and the conclusion of trial is uncertain and that he did not misuse the privilege of bail he may be remained on bail as granted earlier by this court till conclusion of trial and be exempted from surrendering the passport.

The learned Deputy Attorney General appearing for the opposite party opposes the rule.

Heard the learned Advocate of both the sides and perused the record and the documents annexed to the application.

Perusing the FIR and other relevant documents annexed to the application, we find substance in the submission of the learned

Advocate for the petitioner and the petitioner since did not misuse the privilege of bail, as such we are inclined to confirm his bail.

In the result, the Rule is made absolute and the bail granted earlier by this Court to the petitioner is hereby confirmed. The order of surrendering the petitioner's passport is recalled.

However, the Trial Court is hereby directed to cancel the bail, if he misuses the privilege of bail.

Communicate the judgment at once.

Syed Enayet Hossain, J:

I agree.