

06.05.2024

**Present:**

**Mr. Justice S M Kuddus Zaman**

**&**

**Mr. Justice A.K.M. Rabiul Hassan**

Criminal Misc. No.74186 of 2023

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), AAG  
...For the State

In this case under section 7/9(3) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 alongwith section 395/397 of the Penal Code, 1860 accused petitioner Md. Shakil Hossain obtained bail from this Court on 14.12.2023 by submitting Criminal Miscellaneous Case No.74816 of 2023 under section 498 of the Code of Criminal Procedure.

At Paragraph-15 of above petition under Section 498 of the Code of Criminal Procedure it was specifically stated that although above petitioner was taken on police remand for three days for interrogation he did not make any confession under Section 164 of the Code of Criminal Procedure. At the time of hearing of above petition the appointed Advocate for accused Md. Sakil Hossain repeated above claimed that above petitioner did not make any confession. But at the time of hearing of a similar petition for bail under Section 498 of the Criminal

Procedure vide Tender No.15760 for co-accused Md. Rakib Hasan of above case on 30.04.2024 the learned advocate prayed for bail of above co-accused on the same ground stating that like above co-accused petitioner Md. Shakil Hossain also made a confession under section 164 of the Code of Criminal Procedure before a Judicial Magistrate.

The learned Advocate for above co-accused Md. Rakib Hasan produced a certificate copy of the confession of accused petitioner Md. Shakil Hossain made under section 164 of the Code of Criminal Procedure before us.

On consideration of above facts and circumstances of the case and materials on record we hold that accused Md. Shakil Hossain obtained bail from this court by suppression of material facts that he made a confession under Section 164 of the Code of Criminal Procedure before a Judicial Magistrate involving himself with the commision of rape as well as snatching of money and gold ornaments from victim Nadira.

It is crystal clear that the order of bail passed by this Court on 14.12.2023 in favour of accused Md. Rakib Hasan was obtained by misrepresentation of material fact and cheating and the ends of justice demands that above order of bail of accused Md. Shakil Hossain be recalled at once and the

Superintendent of Police, Bogura be directed to secure arrest of accused Md. Shakil Hossain in connection of this case and produced him before the Chief Judicial Magistrate, Bogura at once.

Accordingly, we are recalling order dated 14.12.2023 passed by this Court in Criminal Miscellaneous Case No.74186 of 2023 granting bail to accused Md. Shakil Hossain in G.R. Case No.112 of 2023 arising out of Kahalu Police station Case No.12 dated 19.07.2023 and further directing the Superintendent of Police, Bogura to ensure that above accused Md. Shakil Hossain is arrested without delay and produced before the Chief Judicial Magistrate, Bogura.

Communicate this order to the Chief Judicial Magistrate, Bogura and Superintendent of Police, Bogura at once.