

## **Criminal Appeal No. 3483 of 2024**

07.01.2025

### **Present:**

Mr. Justice Md. Shohrowardi

Mr. Md. Yadnan Rafique, Advocate  
...For the Appellant-petitioner  
Ms. Sharmin Hamid, A.A.G

...For the State  
Mr. A.K.M Fazlul Hoque, Advocate

...For the Respondent No. 2

This is an application for bail in pending appeal filled by appellant-petitioner against the judgment and order dated 14.03.2019 passed by the Special Judge, Court No. 2, Dhaka in Special Case No. 5 of 2013 arising out of Metropolitan Special Case No. 25 of 2012 corresponding to Mirpur P.S. Case No. 34(08)03 arising out of ACC GR No. 131 of 2003 convicting the appellant under Section 420/109 of the Penal Code, 1860 and sentencing him to suffer rigorous imprisonment for 05 (five) years and fine of Tk. 19,13,000(nineteen lakh thirteen thousand).

The learned Advocate Mr. Md. Yadnan Rafique appearing on behalf of the appellant-petitioner submits that the appellant-petitioner was the Officer Grade-I of Foreign Exchange in Charge of Uttara Bank Ltd, Darus Salam Road Branch, Dhaka and he discharged his duty following the instruction of the Manager. He is languishing in custody for more than two years since his arrest on 20.10.2022 although he was shown arrested in the case on 05.03.2023. He further submits that there is no early prospect of hearing the appeal and the Artha Rin Case is pending against the loanee M/S Apparel Sources Ltd. He prayed for bail of the appellant-petitioner.

The learned Advocate Mr. A.K.M Fazlul Hoque appearing on behalf of the respondent No. 2 submits that the appellant-petitioner and the Manager in connivance with the loanee illegally sanctioned and disbursed the loan which was not paid by the loanee and during trial of the case, he

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was absconding and there is no chance of acquittal in the appeal. He prayed for rejecting the application for bail.

I have considered the submission of the learned Advocates who appeared on behalf of the appellant-petitioner and the respondent No. 2, perused the evidence, impugned judgment and order passed by the trial Court, application for bail and the records.

Considering the long custody of the appellant-petitioner, evidence, pendency of the Arth Rin Case in respect of the realization of the loan and the facts and circumstances of the case, I am inclined to enlarge the appellant-petitioner on bail.

Accordingly, the application for bail is allowed.

Pending hearing of the appeal, let the appellant-petitioner **Mizanur Rahman, son of Md. Ibrahim Mia** be enlarged on bail for a period of 6(six) months from the date, subject to furnishing bail bond to the satisfaction of the Special Judge, Court No. 2, Dhaka.