

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

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Hassan

Criminal Miscellaneous Case No.39422 of 2023

Md. Nejam and others

.... Accused-Petitioners

-Versus-

The State

.... Opposite Party

Mr. Jugol Kishor Biswas, Advocate

.... For the petitioners.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Noor Us Sadik Chowdhury, D.A.G.

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.

Heard and Judgment on 15.07.2024

S M Kuddus Zaman, J:

On an application under section 498 of the Code of Criminal Procedure this Rule was issued calling upon the opposite party to show cause as to why the accused petitioners should not be enlarged on bail in Patenga Model Police Station Case No.05 dated 09.02.2023 corresponding to G.R. Case No.27 of 2023 under Sections

143/341/114/324/325/326/307/379/302/34 of the Penal Code, 1860, now pending in the Court of the learned Chief Metropolitan Magistrate, Chattogram and/or pass such other or further order or orders as to this Court may seem fit and proper.

At the time of issuance of the above Rule this Court also granted ad-interim bail to 4 accused petitioners namely Md. Nejam, M d. Rabi, Md. Aziz and Abdur Rahim on 26.06.2023.

Above order of ad-interim bail passed by this Court was stayed by the Appellate Division vide Criminal Miscellaneous Petition No.1578 of 2023. But above order of stay was ultimately vacated by the Appellate Court on merit on 19.05.2023 pursuant to Criminal Petition for Leave to Appeal No.1891 of 2023. The Appellate Division held that there was no legal infirmity in the above order of ad-interim bail passed by this Court.

In view of above materials on record we are inclined to grant bail to the above petitioners and made this Rule absolute.

In the result, the Rule is made absolute.

Let accused-petitioner Nos. 1. Md. Nejam, son of Abul Hasem, 2. Md. Rabi, Son of Abu Taher, 3. Md. Aziz, son of Kasem and 4. Abdur Rahim, son of Jasim Mistri be enlarged on bail subject to furnishing bail bond to the satisfaction of the learned Chief Metropolitan Magistrate, Chattogram.

The learned Judge of the Court below is at liberty to cancel the bail of the accused-petitioner if he misuses the privilege of bail in any manner whatsoever.

Communicate this judgment and order to the Court concerned at once.

A.K.M. Rabiul Hassan, J:

I agree.

MD. MASUDUR RAHMAN
BENCH OFFICER