

Criminal Appeal No. 1104 of 2025

09.03.2025

Present:

Mr. Justice Md. Shohrowardi

Mr. S.M. Mahbubul Islam, Advocate
...For the Appellant-petitioner
Ms. Sharmin Hamid, A.A.G with

Mr. Sultan Mahmood Banna, 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 filed by the appellant-petitioner against the judgment and order of conviction and sentence dated 30.01.2025 passed by Special Judge, Court No. 6, Dhaka in Special Case No. 05 of 2023 arising out of Sutrapur Police Station Case No. 27 dated 26.09.2019 and G.R. No. 288 of 2019 convicting the appellant-petitioner under Section 4(2) of the Money Laundering Protirodh Ain, 2012 and sentencing him to suffer rigorous imprisonment for 4(four) years and fine of Tk. 34,32,600 in default to suffer simple imprisonment for 3 months more.

The learned Advocate Mr. S.M. Mahbubul Islam appearing on behalf of the appellant-petitioner Shahidul Haque Bhuiyan submits that the appellant-petitioner Shahidul Haque Bhuiyan is not named in the FIR and the place of occurrence is the house of co-accused Rupon Bhuiya situated at 31, Banianagor Murgitola under Sutrapur and the appellant-petitioner reside at 105, Lalmohon Saha Street, Wari and nothing was recovered from his possession. He further submits that the trial Court convicted total eleven accused in the case including accused Md. Tuhin Munshi, Saiful Islam and Md. Nobir Hossain Shikdar who made an exculpatory statements under Section 164 of the Code of Criminal Procedure, 1898 and the appellant-petitioner was convicted along with his four brothers. He is languishing in custody since 29.05.2022 and there is

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no early chance of hearing the appeal. Therefore, he prayed for the bail of the appellant-petitioner.

The learned Advocate Mr. A.K.M Fazlul Hoque appearing on behalf of respondent No. 2 submits that the appellant-petitioner along with his brothers were involved in the alleged occurrence and total 5163.00 grams of gold valued at Tk. 2,50,00,000 and Tk. 17,16,300 were recovered from the house of Rupon Bhuiya. Therefore, he opposes the prayer for bail of the appellant-petitioner.

I have considered the submission of the learned Advocate Mr. S.M. Mahbubul Islam and the learned Advocate Mr. A.K.M Fazlul Hoque, perused the evidence, impugned judgment and order passed by the trial Court, application for bail and the records.

On perusal of the evidence, it appears that the place of occurrence is 31, Banianagor Murgitola under Sutrapur Thana which is the residence of co-accused Rupon Bhuiya and appellant-petitioner Shahidul Haque Bhuiyan was residing at 105, Lalmohon Saha Street, Wari at the relevant time. He is not named in the FIR and out of eleven witnesses except the Investigating Officer none mentioned the name of the appellant-petitioner in their evidence. The co-accused Md. Tuhin Munshi, Saiful Islam and Md. Nobir Hossain Shikdar made the statement under Section 164 of the Code of Criminal Procedure, 1898 stating that the appellant-petitioner was involved in casino games and gambling. Nothing was recovered from possession of the appellant-petitioner and he was convicted along with his four brothers. He has been languishing in custody since 29.05.2022.

Considering the evidence and the statements made by co-accused Md. Tuhin Munshi, Saiful Islam and Md. Nobir Hossain Shikdar under Section 164 of the Code of Criminal Procedure, 1898, facts and circumstances of the case and the custody of the appellant-petitioner since his arrest on 29.05.2022, I am inclined to enlarge him on bail.

Accordingly, the bail application is allowed.

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Pending hearing of the appeal, let the appellant-petitioner **Shahidul Haque Bhuiyan, son of late Shirajul Haque Bhuiyan** be enlarged on bail for 6(six) months from the date, subject to furnishing bail bond to the satisfaction of the Special Judge, Court No. 6, Dhaka.