

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
WRIT PETITION NO. 15258 OF 2024

IN THE MATTER OF:

An application under Article 102 of the Constitution
of the People's Republic of Bangladesh.

-AND-

IN THE MATTER OF:

Mr. Shiplu Ahsan

.... Petitioner

- Versus -

The Judge, Artha Rin Adalat, Court No.3, Dhaka
and another.

..... Respondents

Mr. Sk. Eusuf Rahman, Advocate

.....For the Petitioner

Mr. Md. Abul Kalam Azad, Advocate

.....For the Respondent No.2

Mr. Mohammad Waliul Islam Oli, D. A. G. with

Ms. Shahida Afrin Shapla, D. A. G. with

Ms. Nilufar Yesmin, A.A.G. with

Mr. Md. Moshiur Rahman, A.A.G. with

Mr. Md. Motasim Billah Parvez, A.A.G. with

Mr. Md. Faridul Islam, A.A.G.

.....For the Respondents Government

Heard on 19.11.2025 & 23.11.2025

Judgment delivered on 24.11.2025

Present :

Mr. Justice Yousuf Abdullah Suman

And

Mr. Justice Dihider Masum Kabir

Dihider Masum Kabir, J

On an application filed under Article 102 of the Constitution of the
People's Republic of Bangladesh, the Rule was issued and an order of ad-
interim bail was granted on 08.12.2024 as under:

“অর্থ ঋণ আদালত নং-৩ ঢাকা কর্তৃক অর্থ জারী মামলা নং-২৬৫/২০২৫-এ প্রদত্ত ইংরেজী ২৪.১১.২০২৪ তারিখের আদেশ আইনগত কর্তৃত্ব ব্যতিরেকে প্রদত্ত হয়েছে এবং এর কোন আইনগত কার্যকারিতা নাই মর্মে কেন ঘোষণা করা হবে না এবং অত্র আদালত কর্তৃক সঠিক এবং যথাযথ মনে করলে অন্যান্য বা অতিরিক্ত আদেশ বা আদেশসমূহ কেন প্রদান করা হবে না মর্মে প্রতিপক্ষগণের প্রতি কারণ দর্শানো পূর্বক রুলনিশি প্রেরণ করা হোক।

অত্র রুলটি নিষ্পত্তি না হওয়া পর্যন্ত আসামী-দরখাস্তকারী শিপলু আহসান, পিতা- মরহুম মোঃ সালাহউদ্দিন, বাড়ি নং- ১৫৬, বংশাল রোড, পোস্ট অফিস- বংশাল, থানা- বংশাল, জেলা-ঢাকা-১১০০ এবং ৩৭ কেপি ঘোষ রোড, নয়াবাজার, ঢাকা- কে মুখ্য মহানগর হাকিম আদালত, ঢাকা এর সন্তুষ্টি সাপেক্ষে এবং উপযুক্ত জামিননামা দাখিলের শর্তে জামিন মঞ্জুর করা হল।”

The facts relevant for the disposal of the instant Rule as made out in the writ petition, in short, are that the petitioner availed various credit facilities from respondent No.2, Eastern Bank Ltd., and being defaulter, the bank filed Artha Rin Suit No.495 of 2018 followed by Artha Jari Case No.265 of 2021 for collecting decretal amount and other costs with interest amounting to Tk.1,88,373/= (one lac eighty eight thousand three hundred and seventy three). The petitioner within 22.08.2024 paid all demanded amount determined on execution case. But the petitioner failed to pay subsequent interest amount of the period covering from 11.05.2021 to 13.11.2024 and other costs. Upon an application by the respondent No.2, Artha Rin Adalat issued warrant of arrest on 13.11.2024 and the petitioner was arrested by police on 24.11.2024. The petitioner prayed for granting bail but the court was pleased not to allow the same and the petitioner filed this writ petition against the rejection order of granting bail of order No. 26 dated 24.11.2024 passed by the Learned Judge, Artha Rin Adalat, Court No. 3, Dhaka in Artha Jari Case No. 265 of 2021, and this Division was pleased to enlarge the petitioner on bail.

Learned counsel Mr. Sk. Eusuf Rahman appearing on behalf of the petitioner submits that the petitioner was enlarged on bail but due to his financial crisis he couldn't pay subsequent interest amount and other costs to the bank till today.

On the other hand, the learned counsel Mr. Md. Abul Kalam Azad appearing on behalf of the respondent No.2, Eastern Bank Ltd., submits that the petitioner didn't pay any amount after enlarging him on bail and even didn't communicate with the bank. Moreover, in pursuance to the ad-interim order of this court, the writ petitioner was already been released on bail, therefore, the whole purpose of the Rule Nisi issued in this writ petition has become infructuous and as such the instant Rule Nisi issued in the writ petition is liable to be discharged as being infructuous.

We have considered the submissions of the learned counsels and perused the writ petition, affidavit in opposition as well as other materials on records.

On perusal of the writ petition and affidavit in opposition, it is revealed that the petitioner challenged the rejection order relating to granting of bail and this Division passed ad-interim order of bail and the petitioner has already been released from jail and the core purpose of the writ petition has already been served out. Moreover, there was no illegality of order No. 26 dated 24.11.2024 passed by the Learned Judge, Artha Rin Adalat, Court No. 3, Dhaka in Artha Jari Case No. 265 of 2021.

In view of the above observations as well as the facts and circumstances of the case, we find no merit in the instant Rule Nisi and accordingly the Rule is discharged and the ad-interim order of bail is hereby re-called and cancelled.

However, there is no order as to costs.

Communicate the judgment and order at once.

Yousuf Abdullah Suman, J

I agree.