

## **Criminal Appeal No. 1695 of 2025**

06.05.2025

### **Present:**

Mr. Justice Md. Shohrwardi

Mr. S.M. Obaidul Haque, Advocate  
...For the Appellant-petitioner  
Mr. Md. Akteruzzaman, D.A.G with

Mr. Sultan Mahmood Banna, A.A.G with

Mr. Mir Moniruzzaman, A.A.G with

Ms. Farhana Abedin, A.A.G with

Mr. Md. Kaium, A.A.G

...For the State

Mr. M.A. Aziz Khan, Advocate

...For the Respondent No. 2 (ACC)

This is an application for bail in pending appeal filed by the appellant-petitioner against the judgment and order of conviction and sentence dated 25.02.2025 passed by the Divisional Special Judge, Khulna in Special Case No. 05 of 2005 arising out of Khulna Police Station Case No. 35 dated 30.05.2000 corresponding G.R. No. 469 of 2000 convicting the appellant-petitioner under Section 161 of the Penal Code, 1860 and sentencing him to suffer rigorous imprisonment for 3(three) years and fine of Tk. 3,000, in default, to suffer simple imprisonment for 01(one) month more and also convicting the appellant petitioner under Section 420 of the Penal Code, 1860 and sentencing him thereunder to suffer rigorous imprisonment for 3(three) years and fine of Tk. 3,000, in default, to suffer simple imprisonment for 01(one) month more and further convicting the appellant-petitioner under Section 5(2) of the Prevention of Corruption Act, 1947 and sentencing him thereunder to suffer rigorous imprisonment for 04(four) years and fine of Tk. 4,000, in default, to suffer rigorous imprisonment for 1(one) month more which will run consecutively.

The learned Advocate Mr. S.M. Obaidul Haque appearing on behalf of the appellant-petitioner submits that during trial the appellant-

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petitioner was on bail and he is languishing in custody from the date of pronouncement of the judgment on 25.02.2025 and except the P.W. 6, no other P.Ws made statement against the appellant-petitioner. He also submits that no bribe money was recovered from the appellant-petitioner. Therefore, he prayed for the bail of the appellant-petitioner.

The learned Advocate Mr. M.A. Aziz Khan appearing on behalf of the respondent No. 2 (ACC) submits that the appellant-petitioner received bribe amounting to Tk. 1,50,000 to acquit the accused from the case and the prosecution proved the charge against the accused beyond all reasonable doubt. He prayed for rejecting the application for bail of the appellant-petitioner.

I have considered the submission of the learned Advocate Mr. S.M. Obaidul Haque and the learned Advocate Mr. M.A. Aziz Khan, perused the evidence, impugned judgment and order passed by the trial Court, application for bail and the records.

Considering the submissions of the learned Advocate, evidence, the period of custody of the appellant-petitioner and the facts and circumstances of the case, I am inclined to enlarge him on bail.

Accordingly, the bail application is allowed.

Pending hearing of the appeal, let the appellant-petitioner **Aloke Kumar Nandi, son of late Nogendra Nath Nandi** be enlarged on bail for 6(six) months from the date, subject to furnishing bail bond to the satisfaction of the Divisional Special Judge, Khulna.