

ক্রমিক নং	তারিখ	নোট ও আদেশ
		<p style="text-align: center;">Present Ms. Justice Naima Haider And Mr. Justice Zafar Ahmed</p> <p style="text-align: center;"><u>Criminal Misc. Case No. 34723 of 2013</u></p> <p style="text-align: center;">Mohammad Ali Abbas Petitioner</p> <p style="text-align: center;">-Versus- The StateOpposite Party.</p> <p style="text-align: center;">Mr. M. Ami-Ul-Islam, with Ms. Tania Amir, Advocates For the Petitioner.</p> <p style="text-align: center;">Mr. Syed Mamun Mahbub, Advocate ... For the opposite party No. 2 Mr. Khandaker Diliruzzaman, DAG,For the opposite party No. 1</p> <p style="text-align: center;"><u>Heard & Judgment On: 5th February, 2014</u></p> <p style="text-align: center;"><u>Zafar Ahmed, J:</u></p> <p>In this application under section 498 of the Code of Criminal Procedure Rule was issued on 17.09.2013 calling upon the opposite parties to show cause as to why the accused-petitioner should not be enlarged on bail in Kotwali Police Station Case No. 46 dated 24.01.2013 arising out of ACC G.R. No. 36 of 2013 under Section 4(2) of the Money Laundering Act, 2012, now pending in the Court of Chief Metropolitan</p>

দ্রষ্টব্য :- কালো কালিতে অফিস নোটেস একটি ক্রমিক নম্বর এবং লাল কালি কোর্টের আদেশসমূহের ভিন্ন নম্বর দিতে হবে।

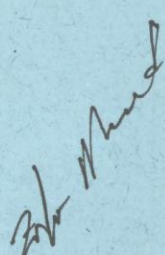
গভর্নমেন্ট প্রিন্টিং প্রেস—প্রসেস শাখা—১২৭৩/১২-১৩/(লঃ)—তাং ২৪-০৪-২০১৩—১,০০,০০০ কপি।

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		<p>Magistrate, Chittagong and / or such other or further order or orders passed as to this Court may seem fit and proper.</p> <p>Earlier the prayer for bail of the petitioner was rejected by the learned Metropolitan Sessions Judge, Chittagong on 27.06.2013 in Criminal Miscellaneous Case No. 1715 of 2013.</p> <p>An Assistant Director of Anti-Corruption Commission, Head Office, Dhaka on 24.01.2013 lodged an F.I.R. with Kotwali Police Station (C.M.P.), Chittagong against the petitioner and others. In the F.I.R. it was alleged that the offence was committed between September, 2009 to June, 2012. The crux of the allegation made against the petitioner is that the accused petitioner by creating forged documents and showing false bank guarantor obtained composite loan from United Commercial Bank, Khatungonj Branch, Chittagong and Bangladesh Krishi Bank Limited, Agrabad Branch, Chittagong in favour of M/S. Abbas Trading and transferred those loan amount of Tk. 44,35,81,753/- to his and his wife's personnel accounts for the purpose of misappropriating.</p> <p>The accused petitioner obtained ad-interim anticipatory bail from a Division Bench of this Court for a period of 1(one) month and subsequently he appeared before the learned Chief Metropolitan Magistrate, Chittagong and submitted bail bond</p>

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		<p>on 27.02.2013. Thereafter, the petitioner prayed for bail in the Court below and the learned Chief Metropolitan Magistrate, Chittagong rejected the prayer for bail by order dated 14.04.2013 and sent the petitioner to jail custody.</p> <p>It has been stated in the instant application for bail that the accused-petitioner is a well established businessman by profession. He is the sole Proprietor of M/S. Abbas Trading which is an associate member of Chittagong Chamber of Commerce and Industry and also Bangladesh Fertilizer Association. The petitioner is an importer enlisted with Bangladesh Export and Import Control Bureau. He is involved with various social welfare activities. He is the donor member of Chittagong Women University, Potia College, Anawara Jame Masjid, Hajigura Mia Jame Masjid. He is also lifetime member of Chittagong Club, Ma-O-Shishu Hospital, Chittagong. Accused-petitioner is married and father of four minor children.</p> <p>The learned Advocate for the accused-petitioner submits that the petitioner is a diabetic patient and has been suffering from acute heard disease since long. He is under medical care and supervision and has been receiving comprehensive medical treatment since 2009 under specialist Doctors from Appolo</p>

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		<p>Hospital, Bangladesh and Bamrungred International Hospital, Thailand. While the accused petitioner was in Judicial Custody he became seriously ill and on 14.03.2013 he made an application to the learned Chief Metropolitan Magistrate, Chittagong for sending him to jail hospital for treatment.</p> <p>The learned Advocate for the petitioner next submits that the instant case arises out of a debt caused due to the supply of poor quality of rice by the supplying company causing huge loss to the petitioner for which a compensation case being Money Suit No. 42/2010 has been filed in the Court of 3rd Joint District Judge, Chittagong and the petitioner's business institution Abbas Trading has incurred a debt to the bank which the petitioner is capable of meeting by selling his property worth more than the debt and if petitioner is granted bail he would attend his business and thus repay the loan, whereas petitioner's incarceration being in jail is most counterproductive for all the parties concerned. The case is still under investigation and charge sheet has not been submitted yet.</p> <p>The learned Advocate further submits that the accused petitioner did not misuse or abuse the privilege of anticipatory bail and he voluntary surrendered before the learned Chief Metropolitan Magistrate, Chittagong and there is no likelihood</p>

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		<p>of tampering with the evidence by the accused petitioner if he is enlarged on bail and he will neither abscond nor will misuse the privilege of bail and interfere with the course of justice.</p> <p>The learned Advocate lastly submits that 3(three) co-accused are on bail and the investigation is still going on and it is uncertain as to when the investigation will be completed and the case would be ready for trial, as such the petitioner may be enlarged on bail.</p> <p>The learned Deputy Attorney General appearing for the State and Mr. Syed Mamun Mahbub for the Anti-Corruption Commission oppose the Rule on the ground that there has been specific allegations of money laundering against the petitioner and the case is still under investigation.</p> <p>We have heard the learned Advocates, perused the application and materials on record.</p> <p>The petitioner has been in custody since 14.04.2013. Admittedly, he is a businessman by profession. 3 (three) co-accused are enlarged on bail. The allegations made in the F.I.R. relate to obtaining loan from the bank and transferring the same to the petitioner and his wife's personal account. The petitioner has been suffering from various illness.</p>

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		<p>Considering the above we are inclined to allow the application.</p> <p>Accordingly, the rule is made absolute. Let the accused petitioner Mohammad Ali Abbas son of Late Haji Mohammad Ali be enlarged on bail on his furnishing bail bonds subject to the satisfaction of the learned Chief Metropolitan Magistrate, <i>Chittagong</i> Dhaka till disposal of ACC G.R. No.36 of 2013 is pending.</p> <p><i>Mazhar</i></p> <p><u>Naima Haider, J:</u></p> <p><i>Naima Haider</i></p> <p>I agree.</p> <p>Mazhar ABO</p>