

BAIL CONFIRMATION  
Case No. ...  
Date ...

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

Dated -02.04.2017

Present

Mr. Justice Md. Habibul Gani

And

Mr. Justice Md. Akram Hossain Chowdhury

Criminal Miscellaneous Case No. 421 of 2017 (Arising out of G.R. Case No. 647 of 2014 arising out of Chakaria Police Station Case No. 51 dated 22.12.2014 now pending in the Court of Senior Judicial Magistrate, Chakaria, Cox's Bazar).

Khairul Islam Sotan Son of late Syed Ahmed of village: Chairman Para, Cheringa, Ward No. 8, Police Station: Chakaria, District: Cox's Bazar .... Accused-Petitioner.

(p. t. o) 

**Present:**

Mr. Justice Md. Habibul Gani  
And  
Mr. Justice Md. Akram Hossain Chowdhury

**Criminal Miscellaneous Case No. 421 of 2017**

Khairul Islam Sotan ... Petitioner

-Versus-

The State ... Opposite Party

Mr. Md. Fakhar Uddin with  
Mr. Md. Asif Akhter, Advocates  
... For the petitioner

Ms. Rona Naharin, DAG  
... For the State

**Judgment on: 02.04.2017**

**Md. Habibul Gani, 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 petitioner should not be enlarged on bail GR Case No. 647 of 2014 arising out of Chakaria Police Station Case No. 51 dated 22.12.2014, now pending in the Court of <sup>senior</sup> Chief Judicial Magistrate, <sup>Chakaria</sup> Cox'sbazar and/or to pass such other or further order or orders as to this court seems fit and proper.

**Correct reproduction  
of the original.**

*HR*

**Md. Harun-Or-Rashid**  
Assistant Bench Officer  
Supreme Court of Bangladesh  
High Court Division, Dhaka.

Short facts for disposal of the Rule are that one Hafez Anwar Hosan as informant on 22.12.2014 lodged FIR with Chakaria Police Station alleging inter-alia that there was land disputes in between the parties and in pursuant to earlier disputes the accused petitioner and others being armed with deadly weapons attacked upon one Abdul Aziz, nephew of the informant and amongst other the present accused petitioners made a *dao* blow upon the back side of deceased Abdul Aziz. Hence, the informant lodged the FIR which was registered as Chakaria Police Station Case No. 51 dated 22.12.2014 under section 143/447/302/307/326 of the Penal Code.

Mr. Fakhar Uddin, learned Advocate appearing for the accused petitioner submits that there is specific allegation in respect of making *dao* blow upon the back side of the deceased Abdul Aziz while other three FIR named accused persons also made *dao* blow upon the head scalp of the deceased Abdul Aziz. Learned Advocate further submits that there are similar allegations in respect of making *dao* blow by other FIR named accuseds. Learned Advocate further submits that this accused petitioner voluntarily surrendered on 19.01.2016 and since then for about 15 months he

BAIL CONFIRM  
Web-Portal No. ....  
visit: bail/...

has been languishing in jail *hajot* without trial. Learned Advocate further submits though the charge sheet was submitted in this case but due to filing a *naraji* petition against the police report the case is still pending and it is uncertain when the trial will be commenced.

Ms. Rona Naharin, learned Deputy Attorney General opposes the prayer for bail contending that there is a an specific allegation in respect of making *dao* blow upon the back side of deceased Abdul Aziz, however, she concedes that the case is not yet ready for trial.

We have perused the FIR, charge-sheet and other relevant papers and heard the learned advocate for the respective parties.

It appears that though there is an allegation against the present petitioner in respect of making injury by *doa* blow upon the back side of the deceased, however, the case is not yet ready for hearing due to filing a *naraji* petition, against the police report, which is still pending for hearing. Moreover, the accused petitioner voluntarily surrendered on 19.01.2016. It also appears that the other accuseds, standing on the same footing, are also enjoying the privilege of bail.

Correct reproduction  
of the original.

*HR*

Md. Harun-Or-Rashid  
Assistant Bench Officer  
Supreme Court of Bangladesh  
High Court Division, Dhaka.

Considering the facts and circumstances of the case we are inclined to allow the petitioner to go on bail till conclusion of the trial.

In the result, the Rule is made absolute. Let the petitioner **Khairul Islam Sotan** be enlarged on bail till conclusion of trial of the above mentioned case on furnishing bail bond subject to the satisfaction of the learned Chief Judicial Magistrate, **Cox' sbazar**.

Learned Court below is at liberty to cancel the bail of the petitioner if he misuses the privilege of bail, in any manner.

Communicate the order at once.

Md. Akram Hossain Chowdhury, J;

I agree.

(P. T. O.)<sub>101</sub>

Md. Habibul Gani, J:



I agree

Md. Akram Hossain Chowdhury, J:

Memo No.

Crl.

Dated

Copy of the Court's order dated 02.04.2017 forwarded to the

1) Chief Judicial Magistrate, Cox's Bazar

2) Senior Judicial Magistrate, Chakaria, Cox's Bazar for information and necessary action.

By Order

Superintendent

06.04.17

(Begum Sultana)  
Assistant Registrar  
Phone-9588584

Md. Firoz Ahmed  
06.04.2017

মোঃ রফিকুল ইসলাম খান  
সুপারিনটেন্ডেন্ট