

## **Criminal Appeal No. 1934 of 2025**

27.05.2025

### **Present:**

Mr. Justice Md. Shohrowardi

Mr. Md. Aktaruzzaman, Advocate

...For the appellant-petitioner

Mr. Md. Akhtaruzzaman, 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

This is an application for bail in pending appeal filed against the judgment and order of conviction and sentence dated 28.05.2024 passed by Additional Sessions Judge, Court No. 1, Mymensing in Sessions Case No. 601 of 2011 arose out of Trishal Police Station Case No. 8 dated 11.08.2005 corresponding to G.R No. 123 of 2005 convicting the appellant and 10 others under Sections 395 and 397 of the Penal Code and sentencing them to suffer rigorous imprisonment for 7 years and to pay a fine of Tk.5000, in default, to suffer simple imprisonment for 01(one) month more in each section and both sentence will run concurrently.

The learned Advocate Mr. Md. Aktaruzzaman appearing on behalf of the appellant-petitioner having placed the application for bail submits that co-accused Nazrul Islam, Moslem and Md. Oliullah made the statement under Section 164 of the Code of Criminal Procedure, 1898 and only co-accused Md. Oliullah mentioned the name of the appellant-petitioner in his confession. He further submits that out of ten P.Ws, none of them mentioned the name of the appellant-petitioner in their evidence. Lastly, he submits that nothing was recovered from the possession of the appellant-petitioner and he was convicted relying on the confession of co-

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accused Md. Oliullah and there is a fair chance of acquittal of the appellant-petitioner. He prayed for the bail of the appellant-petitioner.

The learned Assistant Attorney General Mr. Sultan Mahmood Banna appearing on behalf of the State submits that the appellant-petitioner is a professional dacoit and he was convicted based on the statement of co-accused Md. Oliullah recorded under Section 164 of the Code of Criminal Procedure, 1898. He vehemently opposes the prayer for bail.

I have considered the submission of the learned Advocate Mr. Md. Aktaruzzaman who appeared on behalf of the appellant-petitioner and the learned Assistant Attorney General Mr. Sultan Mahmood Banna who appeared on behalf of the State, 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 facts and circumstances of the case and the custody of the appellant-petitioner since 17.02.2025, I am inclined to enlarge him on bail.

Accordingly, the bail application is allowed.

Pending hearing of the appeal, let the appellant-petitioner **Sohel, son of Sahaj Uddin Military** be enlarged on bail for 6(six) months from the date, subject to furnishing bail bond to the satisfaction of the Additional Sessions Judge, Court No. 1, Mymensing.