

## **Criminal Appeal No. 2585 of 2025**

01.06.2025

### **Present:**

Mr. Justice Md. Shohrwardi

Mr. Tapan Kumar Bepary, 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

Mr. ASM Kamal Amroohi Chowdhury, Advocate

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

This is an application for bail in pending appeal filed against the judgment and order of conviction and sentence dated 23.03.2025 passed by the Divisional Special Judge, Khulna in Special Case No. 17 of 2017 arising out of Khalishpur Police Station Case No. 22 dated 30.04.2015 corresponding G. R. No. 82 of 2015 and DUDAK G.R. No. 21 of 2015 convicting the appellant under Section 161 of the Penal Code and sentencing him thereunder to suffer rigorous imprisonment for 3(three) years and fine of Tk. 3,000(three thousand), in default, to suffer simple imprisonment for 1(one) month more and further convicting the appellant under Section 5(2) of the Prevention of Corruption Act, 1947 and sentencing him thereunder to suffer rigorous imprisonment for 4(four) years and fine of Tk. 4,000(four thousand), in default, to suffer simple imprisonment for 1(one) month more, to be served consecutively.

The learned Advocate Mr. Tapan Kumar Bepary appearing on behalf of the appellant-petitioner having placed the bail application submits that there is an allegation of receiving Tk. 20,000 as a bribe from

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the P.W. 3 and the trial Court illegally sentenced the appellant-petitioner under both Section 161 of the Penal Code, 1860 and Section 5(2) of the Prevention of Corruption Act, 1947 for the same offence. He further submits that the appellant-petitioner is aged about 65 years and suffering from neuro problems and sustained two strokes. He is also suffering from different age-old complications. He also submits that in the meantime, the appellant-petitioner suffered in custody for about 8 months. He prayed for the bail of the appellant-petitioner.

The learned Advocate Mr. ASM Kamal Amroohi Chowdhury appearing on behalf of respondent No. 2 (ACC) vehemently opposes the bail application.

Considering the submission of the learned Advocates of both the parties and the application for bail, evidence, impugned judgment and order passed by the trial Court, the age and ailment of the appellant-petitioner, I am inclined to enlarge him on bail.

Accordingly, the bail application is allowed.

Pending hearing of the appeal, let the appellant-petitioner **Md. Shah Alam, son of late Abdul Jobbar Khan** 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 Division, Khulna.