

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(Criminal Appellate Jurisdiction)

Date: 30.07.2025.

Criminal Appeal No. 2490 of 2021.

Arising from: Judgment and order of Conviction and Sentence dated 16.02.2021 passed by the Learned Judge, Sontrash Birodhi Bishesh Tribunal, Dhaka in Sontrash Birodhi Bishesh Tribunal Case No. 26 of 2019 arising out of Shahbag Police Station Case No. 51 dated 27.02.2015 corresponding to GR Case No. 104 of 2015 under section 6(2)(অ)/8/9/10/12/13 of the Sontrash Birodhi Ain, 2009 convicting the appellant under section 6(2) (আ) of the Sontrash Birodhi Ain, 2009.

**In the matter of :**

Shafiur Rahman Farabi, Son of: Late Ferdous Ur Rahman of Rahman Villa, Kumashill More, Kalisree Para, Police Station: Brahmanbaria, District- Brahmanbaria.

-----Convict- Appellant  
(In Jail).

**=Versus=**

The State,

.... Respondent.

**Present:**

Mr. Justice Md. Zakir Hossain

And

Mr. Justice K.M. Rasheduzzaman Raja

Mr. S.M Shahjahan, Senior Advocate with

Mr. Muhammad Huzzatul Islam Khan, Advocate

-----For the convict-appellant

Mr. Md. Rasel Ahmed, D.A.G, with

Mr. Md. Emran Khan Rony, D.A.G

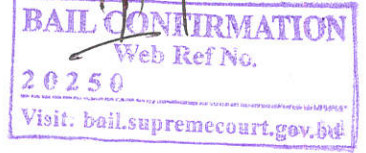
Mr. Md. Uzzal Hossain, A.A.G

Mr. Mohammad Iqbal Hossain Sheikh, A.A.G

Mr. Md. Jasim Uddin, A.A.G

Mr. Khorshed Alam (Selim). A.A.G

Mr. Muhammad Safwan, A.A.G



----For the State

This is an application for bail in a pending appeal.

The appellant was convicted and sentenced under section 6(2) (আ) of the Sontrash Birodhi Ain, 2009, in short, the Ain, 2009 to suffer rigorous imprisonment for life and also to pay a fine of Tk. 50,000/- in default to suffer rigorous imprisonment for a period of 02(two) years more by a judgment and order dated 16.02.2021 passed by the learned Judge, Sontrash Birodhi Bishesh Tribunal, Dhaka, in short, the Tribunal in Sontrash Birodhi Bishesh Tribunal Case No. 26 of 2019 arisen out of Shahbag Police Station Case No: 51 dated 27.02.2015 corresponding to G. R. No. 104 of 2015.

Mr. S.M Shahjahan, the learned Senior Advocate along with Mr. Muhammad Huzzatul Islam Khan appearing on behalf of the appellant-petitioner submits that there is no iota of evidence against the appellant petitioner. He further contends that the appellant-petitioner did not make any confessional statement nor the confessing co-accused persons implicated him in their confessional statement. He further submits that the learned Judge of the Tribunal after considering the evidence on record held that the prosecution hopelessly failed to prove the charge under section ৬(২) (অ) beyond any reasonable doubt but unfortunately convicted and sentenced the appellant-petitioner under section ৬(২) (আ) of the Ain, 2009. He further submits that the prosecution could not produce any reliable evidence to prove that the petitioner has abetted the confessing accused persons for causing death to Ovijit Roy. He next submits that the learned Judge of the Tribunal out of surmise and conjecture convicted and sentenced the appellant-petitioner though the prosecution failed to make out any case against the instant appellant that he has abetted the confessing accused persons for committing murder. He further submits that the appellant-petitioner has been languishing in the jail custody for more than 11 years for no fault of his own and as such, the appellant is entitled to enlarge on bail.

Per contra, the learned Deputy Attorney General appearing for the State opposes the bail.

11 AUG 2025  
মোহাম্মদ উম্মে নাসরীন  
সুপারিনটেনডেন্ট

Please turn over.....

Heard the submissions advanced by the parties. We have considered the entire materials on record with due care and attention and seriousness as they deserve. The evidence of the PWs has meticulously been waded through.

It transpires from the record that the learned judge of the Tribunal in one breath held that the charge brought against the accused-appellant-petitioner has not been proved under section ৬(২) (আ) of the Ain, 2009 and in another breath, he held that the appellant-petitioner committed offence under section ৬(২) (আ) of the Ain, 2009 without any legal evidence which is deprecated to understand. Even the convicts who made confessional statements did not mention that they got inspired from the alleged post or comment of the convict-petitioner made in the facebook.

The evidence on record amply demonstrates the eventual success of the instant appeal; therefore, we are of the view that the appellant-petitioner is entitled to enlarge on bail.

Accordingly, the application is allowed.

Let the convict-appellant namely, **Shafiur Rahman Farabi son of late Ferdous Ur Rahman** be enlarged on bail for a period of 1(one) year from date on furnishing bail bond to the satisfaction of the **learned Chief Metropolitan Magistrate, Dhaka.**

**Md. Zakir Hossain. J.**  
**K. M. Rasheduzzaman Raja. J.**

Memo No.


Date:

Copy of the Court's order dated **30.07.2025** forwarded to the

1. Judge, Sontrash Birodhi Bishesh Tribunal, Dhaka
2. Chief Metropolitan Magistrate, Dhaka

for information and necessary action as ordered by this Court.

By Order

  
11 AUG 2025  
Administrative Officer

Typed by: Hossain.

Date: 11.08.2025.


Read by:

Exam by:

  
11 AUG 2025

  
11 AUG 2025  
Superintendent

মোছাঃ উম্মে নাসরীন  
সুপারিনটেনডেন্ট

  
11 AUG 2025  
(Ismail Hossain Pradhan)  
Assistant Registrar (Copying & Records)  
Ph: 02-223358688.