

International Crimes (Tribunal)-1
ICT-BD Case No. 12 of 2017
[Arising out of ICT-BD Misc. Case No. 05 of 2016]
Chief Prosecutor-Vs-Md. Abdul Wahab and five [05] others

Order No. 15

Dated: 03.04.2019

The record is taken up for hearing the application submitted today seeking bail for accused **Md. Gulzar Hossain Khan alias Golzar Khan**, on the grounds stated therein. The copy of the application has been served upon the prosecution.

Mr. Abdus Sattar Palwan, the learned defence counsel in moving the application submitted that this accused has been in prison since about two years; that he is 80 years old and has been suffering from severe ailments and old age complications. The learned counsel further submitted that now the accused cannot respond to call of nature and not in position to move by his own.

The learned defence counsel submitted too that there will be no chance of his being absconded if he is enlarged on bail. The learned defence counsel added too that taking all these matters into account bail may be granted on any condition to be imposed by the Tribunal and he shall remain present before the Tribunal during the proceedings. That the accused if released on bail will remain stayed at his sister's house in the Capital City of Dhaka i.e. C/O Mrs. Marzina Khanom, House No. 407/01, Monipur, Police Station-Mirpur, Dhaka.

On contrary, Ms. Rezia Sultana Begum, the learned prosecutor opposing the prayer seeking bail submitted that the prison authority may be directed to take care of the accused if needed and thus he does not deserve bail.

It is to be noted that granting bail to an accused under the International Crimes (Tribunals) Act, 1973 is not a matter of 'rule' but 'exception'. Now, chiefly considering the old age complications and severe ailments the accused has been suffering and his inability to move by his own we are convinced to release the accused **Md. Gulzar Hossain Khan alias Golzar Khan** on bail as prayed for.

Accordingly, the accused **Md. Gulzar Hossain Khan alias Golzar Khan** be set at liberty on bail subject to following conditions:

(a) Furnishing bail bond of Tk 20,000/- with two sureties one of whom shall be the engaged advocate or the advocate moving the bail application and another one shall be the relative of the accused.

(b) The accused shall be staying at his sister's house - **C/O Mrs. Marzina Khanom, House No. 407/01, Monipur, Police Station-Mirpur, Dhaka**, as stated in the application;

(c) The surety/ relative of the accused in whose home the accused shall be staying in Dhaka city shall be responsible to secure the accused person's attendance before the Tribunal on the dates fixed;

(d) The accused or any of his relatives shall remain restrained from making any contact with electronic and print media.

(e) The accused or any of his relatives shall not cause any kind of obstruction to any of witnesses interrogated in relation to this case;

Subject to furnishing bail bond accepting the above conditions the accused **Md. Gulzar Hossain Khan alias Golzar Khan [75]** son of late Rabiul Hossain Khan and late Shuratjan Bibi, of Village Sheikh Hati, Police Station Narail, District Narail, at present House No. 407/01, Monipur, Police Station-Mirpur, Dhaka produced today before this Tribunal be set at liberty at once, if not wanted in connection with any other case

The Registrar of this Tribunal is directed to do needful at once.

(Justice Md. Shahinur Islam, Chairman)

(Justice Amir Hossain, Member)

(Justice Md. Abu Ahmed Jamadar, Member)