

International Crimes (Tribunal)-1
ICT-BD Case No. 05 of 2017
The Chief Prosecutor Vs. Khan Ashraf Ali and others

Order No. 18

Dated 12.03.2019.

Next, the learned counsel **Mr. Gazi M. H. Tamim** has come up with an application seeking bail for accused **Md. Hashem Ali Sheikh**, on the grounds stated therein. The copy of the application has been served upon the prosecution.

The learned defence counsel moving the application submitted that this accused has been in prison since 04.11.2017. He is not in position to move by his own due to old age complications and severe ailments which is seriously detrimental to the health condition of 84 years old accused. Chiefly, on his physical condition, old age complications and severe ailments bail has been prayed for him.

The learned defence counsel submitted too that there will be no chance of his being absconded. 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.

Mr. Rana Das Gupta, the learned prosecutor placed his submission opposing the bail prayed for. Necessary treatment may be provided to this accused even keeping him in prison, the learned prosecutor added.

It appears that today the accused-petitioner has been brought before the Tribunal on wheel chair and he seems to be very weak and ailing. The accused has been in prolonged detention. Thus now, chiefly considering the old age complications and severe ailments of the accused and since he is not in position to move by his own we are convinced to release the accused-petitioner **Md. Hashem Ali Sheikh** on bail as prayed for. Accordingly, the accused **Md. Hashem Ali Sheikh** 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 son's house at House No. 13/11, South Hasnabad, Keraniganj, Dhaka as stated in the application. The copy of the NID of the son of the accused and related papers of this residential accommodation have to be submitted before the Tribunal;
- (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 cited in this case;

Subject to furnishing bail bond accepting the above conditions the accused **Md. Hashem Ali Sheikh**, son of late Yakub Ali Sheikh and late Chuti Bibi of Village Hajrakhali, Police Station Kachua, District Bagerhat 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)