

**ICT-BD Case No.04 of 2013**

The Chief Prosecutor -Versus- Syed Md. Qaisar (Accused)

Order No.94

**Dated 20.08.2014**

Today is fixed for further summing up of the prosecution case (argument) relating to the law points.

Accused Syed Md. Qaisar on bail has appeared before the Tribunal.

Mr. Rana Das Gupta along with Ms. Tureen Afroz, learned prosecutors have completed summing up of the prosecution case (argument) relating to the law points.

Thereafter, the defence by filing an application has prayed to permit the accused Syed Md. Qaisar to remain on bail till pronouncement of judgment, on the grounds stated therein.

Heard the learned defence counsel Mr. S.M. Shahjahan and the learned prosecutor Mr. Rana Das Gupta.

Admittedly, after causing arrest pursuant to warrant of arrest issued by the Tribunal [ICT-2] accused Syed Md. Qaisar was brought before the Tribunal [ICT-2] and then was sent to prison. Within couple of days, the ICT-2 allowing application seeking bail ordered to set him at liberty on conditional bail mainly on his health ground and since then he has been at large and has duly secured his appearance before this Tribunal to face the trial.

Now, the trial of the case has been concluded on closure of summing up of cases by both sides and the case will be kept awaiting for verdict (CAV).

It is to be noted first that provision contemplated in section 11(5) of the Act of 1973 empowers the Tribunal to direct to commit to custody any person charged with any crime specified in section 3 of the Act.

This Tribunal notes apprehensively that on each date of pronouncement of verdict and judgment of earlier cases by this Tribunal, unlawful and grave violent activities created by some quarters crippled the normal public life in the city of Dhaka, mainly in the name of protesting the would be judgment and verdict. It is always undesirable and grave hindrance to the normal affairs of the Tribunal.

The accused Syed Md. Qaisar is on conditional bail and has been residing at home in Dhaka city. He did not default in making his appearance before the Tribunal, true. But in the event of any detrimental situation arising out of such violent activities, if occurs, it may cause grave obstruction to accused's coming and appearance before this Tribunal and a peril to accused's personal safety too that may likely to cause impediment to the scheduled judicial function of the Tribunal.

The accused Syed Md. Qaisar, as it appears, did not misuse the privilege of conditional bail granted to him. But now, in view of above reason, for ensuring unhindered appearance of accused Syed Md. Qaisar on the date of pronouncement of verdict and judgment to be fixed later on it would be appropriate to keep him in prison till that date.

Therefore, solely on the above ground we do hereby direct to send the accused Syed Md. Qaisar to prison, by cancelling his bail. Let the custody warrant be issued accordingly.

The prison authority is directed to ensure all necessary support including health friendly wheel chair/vehicle for movement inside the prison, proper toilet support and treatment, considering his physical/health condition if necessary. If it is found indispensable, accused Syed Md. Qaisar even may be treated and kept at any Government Hospital including BSMMU.

Let a copy of this order also be sent to the prison authority together with the custody warrant.

Let the case be kept awaiting for verdict [CAV].

Justice Obaidul Hassan, Chairman

Justice Md. Mozibur Rahman Miah, Member

Justice Md. Shahinur Islam, Member