

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-917 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.  
For hearing of main case.

**15.01.2021.**

Mr. Bhagwandas Bheel, advocate along with  
applicants.  
Ms. Sobia Bhatti, A.P.G for the State.  
Mr. Ghulamullah Chang, advocate for complainant.  
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**Irshad Ali Shah J;-** It is alleged that the applicants with rest of the culprits in furtherance of their common intention by committing trespass into house of complainant Mir Muhammad committed mischief by putting the same on fire, thereby the household articles and rupees thirty thousand of the complainant were burnt to its ashes and then went away by threatening the complainant of murder, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge-I, Tharparkar at Mithi have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant to satisfy his matrimonial dispute with him; there is delay of about four days in lodgment of FIR and applicants Ibrahim and Arbab on investigation have been let-off by the police. By contending

so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that they are habitual offenders.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about four days; such delay having not been explained plausibly could not be overlooked. Applicants Arbab and Ibrahim on investigation have been let-off by the police. The parties are already disputed over matrimonial affairs. The case has finally been challenged and applicants have joined the trial. In that situation, a case for grant of pre-arrest bail in favour of applicants on point of malafide and further inquiry is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

**JUDGE**