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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Applns. No. S- 325 and 331 of 2016.

Date _____ Order with signature of Judge. _____

1. For orders on office objection as flag A.
2. For katcha peshi. _____

18.11.2016.

Mr. Habibullah G. Ghouri, advocate for the applicants.

Mr. Sardar Ali Shah, A.P.G.

Mr. Azizullah M. Buriro, advocate for the complainant.

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Muhammad Iqbal Kalhoro-J.:- By this common order, the captioned bail applications whereby applicants seek post arrest bail in Crime No.30 of 2016 registered U/Ss 395 PPC at P.S Radhan Station District Dadu, are being disposed of.

The allegations against the applicants are that on 24.4.2016 at about 01.00 a.m (night), they alongwith co-accused duly armed with weapons after committing trespass in the house of the complainant, robbed 50 tola of gold and cash of Rs.250,000/=. Subsequent to registration of F.I.R, the applicants were arrested on 01.5.2016, and on 06.5.2016 it is alleged that from the applicant Abdul Sattar a robbed necklace from outside of his house and from the applicant Ghulam Sadoro four (4) robbed bangles, concealed in graveyard, were recovered.

The applicants' case for bail here is that they are innocent and have been falsely implicated in this case. Applicant Abdul Sattar has claimed to be husband of sister of complainant's wife and, according to him on some matrimonial dispute, he has been implicated in this case. To support his plea, he has submitted a photostat copy of Family Suit No.36/2016 filed by his wife in the Court of learned Illrd Family Judge, Mehar against him.

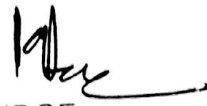
Learned counsel for the complainant and A.P.G have opposed grant of bail to the applicants and have argued that the applicants are nominated in the F.I.R and the recovery of robbed articles has been effected from them; that in support of prosecution case sufficient evidence is available on record against the applicants.



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I have considered the submissions and perused the material available on record. Although it is alleged that 50 tola gold was robbed from the complainant but in the F.I.R description of the same has not been mentioned, nor on alleged recovery of robbed articles, the same were put to identification before Magistrate to verify as to whether the said articles are the robbed articles or not. Applicant Abdul Sattar is admittedly relative of the complainant and his wife, who is sister of the complainant's wife, has filed a Suit for Dissolution of Marriage and recovery of dowry articles in the Court of learned IIIrd Family Judge, Mehar. In the backdrop of such fact, the false implication of the applicants can not be ruled out. In the circumstances, these bail applications are allowed. The applicants are admitted to bail subject to furnishing a solvent surety in the sum of Rs.100,000/= each and P.R bond in the same amount to the satisfaction of trial Court. The trial Court is directed that if there are absconders, to separate their case and proceed with the trial against the applicants expeditiously and conclude it preferably within three (3) months and submits its report.

The bail application is disposed of in above terms. The findings recorded are tentative in nature and would not prejudice either party in the trial.


JUDGE 18-11-2016

For Further Orders
- letter of Trial Court sealed as flag A