

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No.S- 551 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
- 2.For hearing of bail Application.

14.4.2025.

Mr.Atta Hussain Chandio, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

Mr. Abdul Rehman Bhutto, advocate for the complainant.

O R D E R.

AMJAD ALI SAHITO-J.- Through this bail application, applicant Muhammad Ali Jatoi is seeking post arrest bail in Crime No.01 of 2024 of P.S Amrote Shareef under Sections 302, 364-A, 34 PPC, after dismissal of his bail plea by learned trial Court vide impugned order dated 03.5.2024.

Prosecution case in nutshell is that on 12.02.2024 at about 11.00 a.m Baby Rida, daughter of complainant went outside house for playing and did not return. Later on he alongwith his witnesses went in her search and at about 2.30 p.m near land of Gulzar Jaffer at Link Road leading from village Aurang to village Marhi, they saw three accused persons including present applicant out of whom co-accused Javed Ali was holding by arms to baby Rida, daughter of complainant, and his hand was on her mouth, on seeing complainant party co-accused Javed Ali threw baby Rida on chaff and escaped from the scene. Later on Baby Rida was found dead

Per learned counsel the FIR is delayed for about 8 days for which no plausible explanation has been furnished by the complainant; no over act is attributed to the prayer applicant and mere presence is alleged against him. He further J.I.T was also constituted and during investigation the J.I.T also exonerated the applicant/accused from commission of offence. He submits that even postmortem of the deceased Baby Rida was not conducted as such case of applicant requires further enquiry. He lastly prayed for grant of bail. In support of his contentions, he has relied upon the

case of Ghulam Hyder v. The State (2021 SCMR 1802) and Kamran v. Kamran Malik (2020 SCMR 1814).

On the other hand, learned counsel for the complainant as well as learned D.P.G has vehemently opposed the grant of bail.

Heard learned counsel for the parties and perused material brought on record.

Admittedly FIR is delayed for about 08 days for which no plausible explanation has been furnished by the complainant. Mere presence present applicant is alleged in the FIR and no overt act is attributed to him. Further the complainant has disclosed that on the day of incident at 11.00 a.m his daughter Baby Rida was missing. Subsequently at about 2.30 pm they saw her in the hands of accused persons which story is not appealing to a prudent mind. Though complainant claimed that they saw Baby Rida in the hands of accused persons but they did not try to apprehend them. J.I.T constituted in the offence also exonerated the applicant/accused from commission of offence. All these aspects will be seen when the evidence is recorded, therefore, at this stage case of applicant calls for further inquiry. Applicant is in jail, he is no more required for the purpose of investigation, his further detention will not improve the case of prosecution.

In view of above, learned counsel for the applicant/accused has made out case for grant of bail in view of subsection 2 of Section 497 Cr.P.C. Resultantly, instant bail application is allowed. Applicant shall be released subject to furnishing solvent surety in the sum of Rs.100,000/= and P.R bond in the like amount to the satisfaction of trial Court.

Needless to say, observations made herein above are tentative in nature and would not prejudice the case of either side.

JUDGE

Shabir/P.S