

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2855 of 2024

Applicant : Owais Razzaq son of Abdul Razzaq
through Mr. Muhammad Hanif Samma,
Advocate

Complainant : Mahajabeen Ansari W/o Abdul Qadir Ansari
through S. Aftab Ali Shah, Advocate

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.
a/w SIP M.K. Qadri

Date of hearing : 06.03.2025

Date of order : 06.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.236/2024 for the offence under Sections 420, 406, 506, 34 PPC registered at PS Paposh Nagar, after his bail plea has been declined by the learned Additional Sessions Judge-IV, Karachi Central vide order dated 28.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that in fact the applicant is a social worker and when the complainant contacted with him for treatment of her pet cat then he has provided the same but unfortunately, during treatment it was died, as such, he has not committed any offence; that during proceedings, a report was called from the concerned Doctor, which also confirms that during treatment the said pet was died. Lastly, he prays for confirmation of bail.

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

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that the complainant was running a beauty parlour and she had a pet cat; however, when the said cat got injured and subsequently its leg was broken. Thereafter, she contacted with the present applicant as she was not able to bear the treatment expenses, however, during treatment in the animal hospital, it was died. Such fact can also be confirmed from the report filed by the police officer. Learned counsel for the applicant has also pleaded malafide on the part of complainant. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 05.12.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA