

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-47 of 2025

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

06.05.2025

Mr. Zaman Zeb Advocate for Applicants/Accused.
Mr. Irfan Ali Talpur DPG.

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MIRAN MUHAMMAD SHAH, J.- Through this Bail Application, Applicants/Accused have sought for post arrest bail in Crime No.231/2024 registered u/s 506/2, 114, 337-A(i), 337-F(i), 504, 34 PPC at PS B-Section Tando Muhammad Khan, after dismissal of their bail plea by the learned Additional Sessions Judge-I Tando Muhammad Khan vide Order dated 11.01.2025, hence they have approached this Court.

2. Since the facts of prosecution case are already mentioned in FIR as well as memo of Bail Application, therefore, there is no need to reproduce the same.

3. I have heard the counsel for the Applicant/accused as well as learned DPG. Both the Applicants are present before this Court.

4. Learned Counsel's contention is that there is a dispute of property among the parties and they have been falsely implicated in this case due to their enmity. All the offences applied do not fall within the prohibitory clause. He has also attached copy of the litigation pending before the Court between the two parties. While establishing malafide and ulterior motives of two rival parties he also states that due to such enmity the malafide for ulterior motives cannot be ruled out and false implication of the present Applicants/Accused is the basis of lodgment of this FIR. Both the parties belong to same village and same community.

5. Learned DPG on the other hand vehemently opposes this Bail Application and states that there has been some strong injuries caused by the present Applicants/Accused and section 337-F(vi) PPC has been attributed to them at this bail stage based on the medical certificate. However the Counsel for the Applicants/Accused rebuts stating that the person who has been attributed section 337-F(vi) PPC has already been granted bail in this matter.

6. In above circumstances I have come to the conclusion that the implication of present Applicants/Accused for ulterior motives and malafide cannot be ruled out as enmity exists between the parties belonging to same community. Co-accused attributed a stronger rule has already been granted bail in this matter. The case has already been challaned. It is to be seen during trial whether who caused which injury and on bases of what ground. In above circumstances pre-arrest bail earlier granted to the present Applicants/Accused on 16.01.2025 by this Court is hereby confirmed on the same terms and conditions.

JUDGE

Ali Haider