

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.58 of 2024

Date	Order with signature of Judge
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1. For orders on office objection at 'A'.
2. For hearing of bail application.

24.01.2024.

Mr. Abrar Ali Khichi, Additional Prosecutor General.
SIP Muhammad Tariq, PS KIA, Karachi.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Ubaid S/o. Abdul Razzak Memon is being proceeded with before the IIIrd Judicial Magistrate Karachi East in respect of FIR No.1597/2023 U/s. 489-F PPC registered at P.S. Korangi Industrial Area, Karachi. The applicant applied for post-arrest bail, however, the same was declined by the court of VIth Additional Sessions Judge Karachi East vide order dated 20.12.2023, hence the applicant has applied before this court for post-arrest bail.

2. The brief facts of the case are that the applicant owed money from the complainant and in this regard issued 02 cheques of approximately Rs.80,00,000/- which when presented before the concerned bank were bounced, hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned Additional Prosecutor General Sindh and perused the record. The complainant was served for today's date of hearing but he has preferred to remain absent, hence the service on him is held good.

3. The offence under section 489-F PPC carries the maximum sentence of 03 years imprisonment. The general rule in such like cases is that bail should be granted unless there are exceptional circumstances for declining the bail. There are no exceptional circumstances which exist in this case. Although the amount of Rs.80,00,000/- is on the higher side but this is no reason to decline the post-arrest bail. The case revolves around

documentary evidence and as such there is no chance of the applicant tampering with the evidence. The applicant is no longer required for investigation. The applicant is in jail for 03 months and I have also been informed that the parties are attempting to reach a compromise agreement.

4. Based on the above discussion the post arrest bail is granted to the applicant Ubaid S/o. Abdul Razzaq Memon subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lacs only) and P.R. Bond in the like amount to the satisfaction of Nazir of this Court. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

5. This post-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif