

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

Criminal Bail Application No.2461 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

17.01.2024.

Applicant Naseer Ahmed is present in person.
Mr. Malik Khushhal Khan, Advocate for the complainant.
Mr. Saleem Akhtar Buriro, Additional Prosecutor General
Sindh.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Naseer Ahmed S/o. Muhammad Shabbir is facing trial before the Judicial Magistrate Malir for an offence under section 39-A Electricity Act, 2013 r/w section 462-J PPC pursuant to FIR No.477/2023 registered at P.S. Quaidabad, Karachi. The applicant applied for pre-arrest bail before the Court of Additional Sessions Judge-IV Malir, Karachi which was declined vide order dated 16.10.2023, hence the applicant has approached this Court for pre-arrest bail.

2. The brief facts of the case are that the K-Electric raiding party raided the house of the applicant and found that he was stealing the electricity through Kunda, hence the aforesaid FIR was lodged against him.

3. I have heard the parties and considered the record.

4. The offence for which the applicant has been charged carries the maximum sentence of 07 years imprisonment and the general rule is that bail should be granted unless some exceptional circumstances are made out to decline the bail. In this case there are no exceptional circumstances. This is a case of electricity theft which crime is against the society which needs to be deterred. On the other hand it is noted that the applicant present in person is paying his current electricity bills but is in dispute of the amount of Rs.24,00,000/- which the K-Electric is demanding from him

in this electricity theft case. The electric wires for which the electricity was stolen have already been taken into possession by the K-Electric. The applicant is no longer required for enquiry purposes and as such in view of the above circumstances the applicant has made out the case of pre-arrest bail, as such keeping in view the above discussion, the pre-arrest bail earlier granted to the applicant Naseer Ahmed S/o. Muhammad Shabbir is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The Judicial Magistrate Malir is directed to decide the matter within 03 months from the date of receiving this order. A copy of this order shall be sent to the Judicial Magistrate Malir for compliance.

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

JUDGE

M. Arif