

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-879 of 2025

Applicant : Mujahid Ali son of Imdad Ali, Siddiqui  
Through Mr. Naeemuddin Z.Kasimi, Advocate

Complainant : Muhammad Ali Memon  
Through Mr. Muhammad Ali Napar, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of Hearing : 20.10.2025  
Date of Order : 20.10.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The applicant seeks post-arrest bail in a case bearing crime No.170 of 2025, for offences under Sections 448, 114, 506/2, 384, and 386, Pakistan Penal Code, registered at Police Station SIRS, Sukkur. His previous bail plea was declined by the learned Additional Sessions Judge-II, Sukkur, vide order dated 11.09.2025.

2. The facts, as set out in the FIR lodged by complainant Muhammad Ali Memon on 29.08.2025, reveal that the complainant had rented out a flat to the present applicant in August 2024. Upon demanding vacation of the premises, the applicant allegedly refused, and by preparing a forged rent agreement, filed a rent case before the learned Rent Controller, which was later dismissed. Thereafter, the accused allegedly extended threats of abduction and murder to deter the complainant from reclaiming possession of his property. It is further alleged that on 28.08.2025 at about 2015 hours, the applicant, accompanied by unknown associates, visited the complainant's shop, demanded Rs.500,000/- as extortion money, forcibly took Rs.100,000/- from the complainant's pocket, and directed him to pay the remaining Rs.400,000/-. Consequently, the instant FIR was lodged.

3. Learned counsel for the applicant contends that the dispute between the parties has been amicably resolved outside the Court. The complainant has

forgiven the applicant in the name of Almighty Allah and has also submitted an affidavit signifying his no-objection to the grant of bail.

4. Upon inquiry, both learned counsel for the complainant and the learned Deputy Prosecutor General representing the State confirm the settlement and raise no objection to the concession of bail being extended to the applicant.

5. The record further reflects that the FIR was lodged after an unexplained delay of one day, creating a reasonable doubt regarding the veracity of the allegations and suggesting the possibility of deliberation and consultation before registration of the case. Moreover, as the parties share a landlord-tenant relationship, the allegation of extortion requires thorough scrutiny at trial to determine whether the threats and alleged demand were genuine or arose out of a tenancy dispute.

6. Importantly, the offences with which the applicant stands charged do not fall within the prohibitory clause of Section 497, Cr.P.C. It is now a well-settled principle that in cases falling outside the prohibitory clause, grant of bail is a rule and refusal an exception, unless the prosecution establishes exceptional circumstances justifying denial of liberty. In the present case, no such circumstances have been pointed out.

7. Considering the compromise between the parties, the delay in lodging the FIR, the nature of the dispute, and the non-prohibitory character of the offences alleged, the applicant has made out a case for the grant of post-arrest bail. Consequently, this application is allowed. The applicant, Mujahid Ali s/o Imdad Ali Siddiqui, is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial court.

8. The observations made herein are tentative in nature and shall not prejudice the case of either party during trial.

**JUDGE**