

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

Criminal Bail Application No.S- 167 of 2024

16.08.2024.

Ms. Tahrim Jawahery, Advocate for applicant alongwith applicant (on bail).

Mr. Nasrullah Khaskheli, Advocate for complainant.

Ms. Sana Memon, A.P.G for State.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant Criminal Bail Application, applicant Mumtaz Ali seeks pre-arrest bail in Crime No.39/2024 registered at Police Station Kotri for offence under Section 462-I PPC. His earlier application for the same relief bearing Cr.B.A.No.94 of 2024 was heard and dismissed by the learned Sessions Judge / Special Judge Utility Court, Jamshoro vide order dated 13.02.2024. He was admitted to interim pre-arrest bail by this Court vide order dated 19.02.2024, now the matter is fixed for confirmation of interim bail or otherwise.

2. As per prosecution case, on 26.01.2024, at 1645 hours at Village Muhammad Hussain Punjabi near Raswah Mori Kotri, the present applicant Mumtaz Ali was found committing theft of electricity by directly connecting two wires with main line for patrol unit and grass machine, hence the instant FIR was lodged.

3. After hearing the learned counsel for applicant, complainant as well as A.P.G, it appears that after investigation police has submitted challan against the applicant in Court of law. The alleged offence is punishable with imprisonment upto 03 years hence the same does not fall within the prohibitory clause of Section 497 Cr.P.C. In such like cases the basic rule is bail and not jail. There is no complaint if after getting interim pre-arrest bail the applicant did not cooperate with police for the purpose of investigation or he has misused the concession of bail. Accordingly, instant bail application is allowed. Consequently, the

interim pre-arrest bail already granted to the applicant vide order dated 19.02.2024 is hereby confirmed on same terms and conditions.

4. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits. However, in case the applicant misuses the concession of bail in any manner whatsoever, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

Criminal Bail Application stands disposed of.

JUDGE

Tufail