

**IN THE HIGH COURT OF SINDH, BENCH
HYDERABAD**

Cr. Bail application No.S-1112 of 2017

Applicant: Gul Muhammad Keerio s/o Hassan Ali
Through Mr. Ishrat Ali Lohar Advocate

The State: Through Miss. Sana Memon
Additional Prosecutor General.

Date of hearing: 26.06.2018.

Date of order: 26.06.2018.

ORDER

AMJAD ALI SAHITO, J.- Through instant bail application the applicant who has been booked in crime No.16 of 2017 registered at P.S.Anti Corruption Establishment Matiari for offence punishable U/s 409 420 467, 468, 471, 471-A, 34 PPC read with section 5(2) Act-II 1947, seeks post arrest bail after rejection of bail application by learned Special Judge Anti Corruption (Provincial) Hyderabad vide order dated 08.12.2017.

2- Precisely the prosecution case is that applicant Gul Muhammad Keerio being Secretary of Union Counsel Bhanoth misappropriated a sum of Rs.200,000/- made illegal appointments, drawn the salaries, took away the official computer and other accessories to his office, recovered the fee of birth, death, residence and marriage certificates more than the prescribed.

3- Learned counsel for the applicant mainly contended that applicant/accused is innocent and has falsely been involved in this case; that there is delay of about four years in lodgement of the FIR; that no specific date and time of the alleged offence is mentioned in the FIR; that applicant/accused is not appointing authority therefore allegations of prosecution case are baseless; that offence does not fall within the prohibitory clause; that there is general allegations against applicant/accused. He lastly prayed for grant of bail to applicant/accused.

4- Learned APG while opposing the grant of bail to the applicant/accused submitted that applicant/accused has caused financial loss to the Government exchequer by misappropriating the money. She further urged that during investigation sufficient material has come on record prima facie to connect the applicant/accused with the commission of alleged offence and frequently grant of bail in such cases will adversely affect the Government fiscal so also will give license to the corrupt official to repeat the offence. She lastly prayed for dismissal of instant bail application.

5- Perusal of record reflects that no specific date and time of the alleged offence is mentioned in the FIR. It is transpired from the FIR that the applicant/accused appointed his personal employees who are not performing

their duties and their salaries have been usurped by the applicant/accused, however, in this regard no documentary proof showing the illegal appointments and release of salary is brought on record. No any record was produced before the court showing the company, model or any receipt regarding purchase or availability of the computer in the office was proved regarding which it is alleged that same were taken away by the applicant from the office. Furthermore during the investigation the statements of Abdul Karim Khokhar Secretary Union Council Bhanoth was recorded who has not levelled such kind of allegations against applicant but he only stated that Gul Muhammad has not handed over office charge and office record etc to him. Another aspect of the case is that during the course of investigation, the investigating agency failed to record the statement of complainant Syed Sajid Hussain Shah Kazmi who did not appear before the police despite issuance of repeated notices. The applicability of section 409 PPC to the case of applicant could be determined by trial court after recording evidence. The documentary evidence on which the case was based already having been collected by the prosecution, the same was not likely to be tampered with by the accused.

7- In view of above prima facie the applicant/accused

has succeeded to make out a case for grant of post arrest bail, therefore, instant bail application is allowed and applicant/accused is granted bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and PR Bond in the like amount to the satisfaction of trial court.

8- Needless to mention here that the observations made herein above are tentative in nature and shall not affect the merits of the case at the trial.

J U D G E

A.Rasheed/Steno