

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Criminal Bail Application No. S- 341 of 2019

Muhammad Rizwan Kalhoro & another----- Applicants.

Vs.

The State

Respondent

Date of Decision: 28.06.2019

Mr. Ishrat Ali Lohar, advocate along with applicants.
Mr. Shahid Ahmed Shaikh, D.P.G.
Complainant Gul Hassain present in person.

ORDER

IRSHAD ALI SHAH, J: - It is alleged by the complainant that his son Kashif Ali was taken away by police constable Rafique and he then was involved in two separate cases wherein he was admitted to bail by the Courts having jurisdiction, such release orders were sent to Central Prison at Hyderabad for compliance. The applicants being jail officials despite acceptance of bribe did not release his son Kashif Ali consequently he lodged FIR of the instant case against the applicants and others for abduction of his son Kashif Ali.

2. The applicants sought for pre arrest bail by making such application, it was declined to them by learned 3rd Additional Sessions Judge, Hyderabad. They now have sought for the same, from this Court, by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant; the son of the complainant was a hardened criminal

of the area and he after his release has himself gone missing to create pressure against the police; the FIR of the incident has been lodged by the complainant with delay of one month and very case on investigation has been recommended by the police to be disposed of under A-Class. By contending so he sought for pre-arrest bail for the applicants on the point of malafide.

4. Learned A.P.G for the State who is assisted by the complainant has recorded no objection to grant of pre-arrest bail to the applicants.

5. I have considered the above arguments and perused the record.

6. The FIR of incident has been lodged with delay of one month; such delay could not be overlooked. The very case on investigation has been recommended by the police to be disposed of under A-Class. Learned A.P.G for the State at the instance of the complainant has recorded no objection to the grant of pre-arrest bail to the applicants. In these circumstances, the applicants are found entitled to be admitted to pre-arrest bail on point of malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant application is disposed of in above terms.

JUDGE