

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1075 of 2020
Criminal Bail Application No.S-107 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

For orders on office objections.
For hearing of main case.

05.03.2021.

M/s Meer Ahmed Mangrio and Taj Muhammad Keerio,
Advocates for applicants.
Mr. Shahid Ahmed Shaikh, D.P.G for the State.

==

ORDER

Irshad Ali Shah J:- It is alleged that the applicants with the rest of the culprits in furtherance of their common intention committed murder of Syed Amjad Ali Shah by strangulating his throat and then throwing his dead body in watercourse at Thatta to cause disappearance of evidence to save themselves from legal consequences, for that the FIR of present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge-I/MCTC, Jamshoro have sought for the same from this court by making separate applications under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant; the FIR of the incident has been lodged with delay of about five days; it is unseen incident and co-accused Mst.Razia has already been admitted to bail by this Court; therefore, the applicants are also entitled to be admitted to bail on point of further inquiry and consistency. In support of their contentions they relied upon cases of *State through State counsel Khaiber Pukhoonkhua Province vs High Court of Peshawar (2017 SCMR 728)*, *Muhammad Waseem vs The*

State and others (2012 SCMR 387), Mst. Sumaira Bibi vs The State (2017 P.Cr.L.J 190).

4. Learned D.P.G for the State has opposed to grant of bail to the applicants by contending that they have actively participated in commission of incident and their case is distinguishable to that of co-accused Mst. Razia and on arrest from them have been secured the belongings of the deceased.

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

6. The FIR of the incident has been lodged with delay of about five days; such delay having not been explained plausibly could not be overlooked. None indeed has seen the applicants committing the death of the deceased. The identity of the dead body of the deceased through cloth is appearing to be weak piece of evidence. Co-accused Mst. Razia has already been admitted to bail by this Court. In these circumstances, the applicants could hardly be denied concession of bail on the basis of recovery of belongings of the deceased which are said to be foistation and/or on the basis of their extra-judicial confession before the police. Obviously, the guilt of the applicants is calling for further inquiry.

7. In view of above, the applicants are admitted to bail subject to their furnishing surety in sum of Rs.200,000/-each and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail applications are disposed of accordingly.

JUDGE