

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

Cr.B.A.No.S- 1018 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

01.11.2019.

Mr. Farhad Ali Abro, Advocate for applicants.
Ms. Rameshan Oad, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicants in furtherance of their common intention were found manufacturing gutka / mainpuri an injurious / poisonous substance in their factory, such act of theirs was likely to spread infections / disease likely to be dangerous / poisonous to human lives, for that they were booked and reported upon by the police.

2. The applicants on having been refused post arrest bail by learned IInd Additional Sessions Judge, Hyderabad have sought for the same from this Court by way of instant application u/s 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 police on account of their failure to pay them "Bhatta"; a petition seeking protection from such harassment of the police is already pending adjudication before this Court; the applicants have nothing to do with the alleged incident and they are running a factory to

crush the dates seeds to be used as a medicine under valid license issued by Director Health Services Hyderabad Municipal Corporation.

By contending so, he sought for release of the applicants on bail on point of further enquiry.

4. Learned A.P.G. for the State while rebutting the above contention has opposed to release of applicant on bail by contending that the offence which they have committed is affecting the society at large and the license to run the factory to crush the dates seeds has already been expired.

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

6. All the penal sections applied in FIR are bailable, excepting one under section 337-J PPC, which entails imprisonment up-to 10 years in addition to Arsh / Daman. There is no independent witness to the incident. The report of the chemical examiner is still awaited. The applicants have already filed a petition before this Court against the police officials seeking protection from harassment to stop their business, which according to them they are running under lawful authorization. There is no apprehension of tempering with the evidence on the part of applicants as all the witnesses of police personals. In these circumstances, a case for release of the applicants on bail on point of further enquiry pending trial, obviously is made out.

7. In view of above, the applicants are ordered to be released on bail subject to their furnishing solvent surety in the sum Rs.30,000/- (rupees thirty thousand) each and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,