

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Cr.B.A.No.1788 of 2019

For hearing of bail application

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**15.01.2020**

Mr. Aftab Ahmed advocate for the applicant.

Mr. Muhammad Ahmed Assistant Advocate General a/w I.O. Fareed Ahmed Khan FIA Commercial Banks Circle Karachi.

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It is alleged that the applicant being Operation Manager of Soneri Bank, Jodia Bazaar Karachi, fraudulently debited GL Account against banker's cheque/pay order No.01975123 worth Rs.11690000/- dated 22.10.2018 together with 27 pay orders of different dates bearing Account No.0009020002706785, then withdrawn such amount and then misappropriated amount worth Rs.13.8 Millions through 25 cheques by affixing the false signatures of Account Holder and delivered a pay order worth Rs.1700000/- prepared from said account to Farukh Amjad Shah against the purchase of car, for that he was booked and reported upon.

On having been refused bail by learned Presiding Officer, Special Court (Offences in Banks) Sindh at Karachi the applicant has sought for his release on bail from this court by way of instant bail application under section 497 Cr.P.C.

It is contended by the learned counsel for the applicant, that the applicant being innocent has been involved in this case by the FIA Authorities otherwise he has nothing to do with the alleged misappropriation and the applicant is in custody for about four months without any effective trial. By contending so, he prayed for release of the applicant on bail on point of further enquiry pending trial.

Learned Assistant Attorney General has opposed to release of the applicant on bail by contending that he being officer of the bank by way of fraud and forgery has misappropriated a huge amount.

We have considered the above arguments and perused the record.

It is the case of the prosecution that the applicant forged the signatures of Aneel Kumar (sweeper of the Bank) on his cheques, then presented those cheques for encashment, withdrawn the amount under cheques and then misappropriated the same for his personal gain, which is evident of the statements made by the PWs Syed Sadiq Raza and Shabi Dad. In that situation it would be premature to say that the applicant is innocent and has been involved in this case falsely by the FIA authorities. The FIA Authorities indeed were having no reason to involve the applicant in this case falsely instead of real culprit. The applicant might have been custody for about four months but for this reason he could not be ordered to be released on bail by making a conclusion that his case is calling for further enquiry. The offence which applicant allegedly has committed is effecting the society at large. The deeper appreciation of the facts and circumstances even otherwise is not permissible at bail stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

No case for release of the applicant on bail is made out. Consequently, the instant bail application is dismissed. The observations hereinabove are tentative in nature and shall not effect merits of the case at trial. Further the learned trial court is directed to examine material witnesses in three months thereafter the applicant would be at liberty to move fresh application which however, if filed shall be decided on its merits.

JUDGE

JUDGE