

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

Cr. B.A. No.S- 531 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of main case.

01.11.2021

Mr. G. M. Laghari, Advocate for the applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh
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Amjad Ali Sahito, I:-Through instant bail application, applicant Mushtaque Ahmed seeks post-arrest bail in Crime No.41 of 2021, registered at Police Station Hatri, under section 397 PPC. Earlier, the bail plea of the applicant was declined by the learned IIIrd Additional Sessions Judge, Hyderabad, vide order dated 15.06.2021.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, need not to reproduce the same hereunder.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case; that his name does not transpire in the FIR and nothing incriminating was recovered from his possession; that the applicant is in jail since his arrest and is not required for any further investigation, as such the case of the applicant requires further inquiry and he is entitled for bail.

4. On the other hand, learned A.P.G appearing for the State vehemently opposed the grant of bail to the applicant.

5. I have considered the contentions of the learned counsel for the applicants and learned A.P.G. for the State so also gone through the material available on the record. From perusal of record, it appears that on the relevant date and time the applicant alongwith co-accused came at the place of vardat on their 125.cc motorcycle, took out pistols and snatched cash of Rs.200,000/-, Computer, two mobiles and other articles from the complainant party and then fled away. Subsequently, the applicant was arrested in another crime and complainant of this case has identified him, as such sufficient material is

available on record to connect the applicant with the commission of alleged offence. Such types of incidents are spreading in our society day-by-day and the same are to be dealt with iron hands. No ill-will or enmity has been alleged by the learned counsel for the applicant to believe that the applicant has been falsely roped in this case. At bail stage only tentative assessment is to be made. Learned counsel for the applicant has failed to make out his case as of further inquiry as envisaged under sub-section (2) to section 497 Cr.P.C.

6. In view of what has been discussed above, the bail application is dismissed.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

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