

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 562 of 2020

- 1.For orders on o/objection.
- 2.For hearing of bail applications

Mr. Manzoor Ali Chohan Advocate for Applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G along with complainant.

Date of Hearing: 07-12-2020
Date of Order: 07-12-2020

ORDER

Aftab Ahmed Gorar J. Through captioned Crl. Bail Application, applicant Ali Gul alias Gul by caste Mahar seeks post-arrest bail in Crime No.01 of 2020, registered at P.S, Baho Dero-Naushehro Feroze for the offences under Sections 395, 506/2, 452 PPC. Earlier the bail plea of the applicant was declined by learned trial Court vide order dated 22.08.2020.

2. The allegation against the present applicant is that on 02.06.2020, he in association with co-accused duly armed with weapons committed the robbery of one Tractor, one gold ring of ladies, two pairs of gold ear rings, one gold Mal ring, one Tikka and cash of Rs. 75,000/- from the house of complainant. It is further alleged in the FIR that in the morning, complainant party took the footprints of culprits and wheel marks of Tractor with the help of foot tractor and villagers, which disappeared near the house of accused persons and thereafter on the advice of Nekmards, complainant lodged the FIR on 03.06.2020 at 1500 hours.

3. It is, *inter alia*, contended by learned counsel appearing on behalf of the applicant that the applicant is innocent and has nothing to do with the alleged offence; that co-accused Shah Muhammad and Bakhoo alias Abu Bakar have been admitted to post-arrest and pre-arrest bail by this Court vide order dated 31.08.2020, passed in CrI. B.As No.S-423 and 448 of 2020 and the case of the applicant is on better footings to that of said co-accused as the name of the applicant does not transpire in the FIR, but subsequently his name was added in the Challan on the basis of further statement of complainant recorded in terms of Section 162 Cr.P.C, as such the present applicant is also entitled for the same leniency.

4. Learned Deputy P.G for the State conceded to the grant of post-arrest bail to the applicant on the ground of rule of consistency.

5. Heard learned counsel for the parties and perused the material available on record meticulously. Admittedly, the name of applicant does not transpire in the FIR, however, his name was subsequently disclosed by the complainant in his further statement recorded under Section 162 Cr.P.C before I.O on 09.06.2020. It is also an admitted fact that post arrest and pre-arrest bail have been granted to co-accused Shah Muhammad and Bakho alias Abu Bakar respectively by this Court vide order dated 31.08.2020, passed on CrI.B.As No.S- 423 and 448 of 2020, and it appears that the case of the present applicant is on better footings to that of co-accused having been admitted to post and pre-arrest bail by this Court, therefore, the applicant is also entitled for the same leniency under the rule of consistency.

6. For what has been discussed above, I am of the considered view that the applicant has made out a case for further enquiry, as envisaged under Sub-Section 497(2) Cr.P.C. Consequently, applicant **Ali Gul alias Gul is admitted to post-arrest bail** subject to his furnishing solvent surety in the **sum of Rs. 100,000/- (One Lac)** with PR bond in the like amount to the satisfaction of trial Court.

7. Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided strictly on its own merits after recording evidence.

8. The captioned Crl. Bail Application stands disposed of in the above manner.

J U D G E

Ahmad