

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 779 of 2020

For hearing of bail application

Mr. Abdul Wahab G. Shaikh Advocate along with Applicant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State a/w complainant.

Date of Hearing: 01-02-2021

Date of Order: 01-02-2021

ORDER

Aftab Ahmed Gorar J. Applicant Nadeem son of Wahid Bux Shaikh seeks pre-arrest bail in Crime No.35 of 2020, registered at P.S, A-section, Ghotki for offence under Sections 452 & 365-B PPC. Earlier the bail plea of the applicant was declined by learned 1st Additional Sessions Judge/MCTC, Ghotki vide order dated 09.05.2020.

2. Heard learned counsel for the Applicant and learned Deputy P.G for the State. Complainant as well as learned Deputy P.G for the State recorded no objection for the confirmation of interim pre-arrest bail earlier granted to the applicant by Court on the rule of consistency as co-accused Abdul Rehman, Umed Ali alias Mulli and Shoukat Ali having been attributed similar and identical role to that of present applicant has already been admitted to pre-arrest by learned 1st. Additional Sessions Judge/MCTC, Ghotki by this Court vide orders dated 05.03.2020 and 04.06.2020, passed on Crl. B.As No.S-277 & 645 of 2020 respectively.

3. Perusal of record reflects that alleged abductee Mst. Sitara daughter of complainant Muhammad Rafique Shaikh had appeared before learned Justice of Peace, Government of Sindh, empowered as Magistrate under Section 22-A Cr.P.C, at Karachi on 12.11.2019, where she sworn her affidavit wherein she categorically stated to have not been abducted by anybody and she had solemnized freewill marriage with present applicant Nadeem without any force. Today, complainant is also in attendance and files his affidavit extending his no objection

for the confirmation of interim pre-arrest bail, earlier granted to the applicant by this Court. Furthermore, the role assigned to the present applicant is similar and identical to that of co-accused Umed Ali alias Mulli, Shoukat Ali and Abdul Rehman, who have already been admitted to pre-arrest bail by learned 1st Additional Sessions Judge/MCTC, Ghotki, as stated supra, hence, present applicant is also entitled for the same leniency under the rule of consistency. Furthermore, after grant of interim bail, applicant is regularly attending the trial court as well as this Court and there is no complaint from trial Court regarding misuse of concession of bail granted to the applicant by this court, therefore, learned Deputy P.G for the State is justified in recording no objection to the confirmation of interim bail earlier granted to the applicant by this Court on the ground of rule of consistency.

4. For what has been discussed above, I am of the considered view that the applicant has succeeded to make out a case for confirmation of his interim pre-arrest bail, earlier granted to him by this Court vide order dated 24.12.2020. Accordingly, in view of the above so also following the rule of consistency, interim pre-arrest bail, already granted to the applicant by this Court is hereby confirmed on same terms and conditions.

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

J U D G E

Ahmad