

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

Criminal Appeal No.S-86 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of case.
	3. For hearing of M.A. No.4449/2021.

12.07.2021

Mr.Shabeer Hussain Memon, Advocate for the appellants.
Ms.Rameshan, A.P.G for the State.
Mr.Imtiaz Ali Channa, Advocate files Vakalatnama on
behalf of complainant, taken on record.

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The appellants for an offence punishable under section 3 (i) of Illegal Dispossession Act, 2005 have been convicted and sentenced to undergo R.I for two years and to pay fine of Rs.25,000/- each to complainant Niaz Hussain by learned VithAdditional Sessions Judge, Dadu vide his Judgment dated 31.05.2021, which is impugned by the appellant before this Court by preferring an appeal and in the meanwhile, by way of listed application under section 426 Cr.P.C., have sought for their release on bail pending disposal of their appeal.

2. It is contended by learned counsel for the appellants that the sentence is short one, the appellants are in custody since two months and hearing of their appeal is likely to take time. By contending so, he sought for release of the appellants on bail pending disposal of their appeal.

3. Learned A.P.G for the State has recorded no objection to release of the appellants on bail while learned counsel for the complainant has recorded objection to release of the appellants on bail by

contending that disposal of appeal of the appellants would not take much time.

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

5. The appellants have been convicted in a direct complaint; at trial they were enjoying the concession of bail, the conviction which is awarded to the appellants is short one and hearing of their appeal because of heavy pendency, obviously would take time. In these circumstances; a case for release of the appellants on bail pending disposal of their appeal obviously is made out.

6. In view of above, by suspending the operation of impugned judgment and while relying upon case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589)* the appellants are admitted to bail subject to their furnishing surety in sum of Rs. 30,000/- each and P.R bonds in the like amount to the satisfaction of Additional Registrar of this Court.

7. The listed application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*