

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

Criminal Bail Application No.S-165 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<b><u>01.04.2022</u></b>	

Mr. Manzoor Ali Jessar, Advocate for applicants.  
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.  
Complainant Rashid Ali in person.

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**Irshad Ali Shah J.-** It is alleged that the applicants with rest of the culprits in furtherance of their common intention by committing trespass into the house of complainant Rashid Ali committed theft of his belongings as is detailed in F.I.R., for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned 2<sup>nd</sup> Judicial Magistrate Dadu and Additional Sessions Judge-I, Dadu have sought for the same from this Court by making instant application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant; F.I.R has been lodged with delay of more than two months; offence alleged against the applicants is not falling within prohibitory clause and recovery of stolen articles if any being available in market has been foisted upon the applicants, therefore, they are entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh, for the State who is assisted by the complainant has opposed to release of the applicants on bail by contending that from them have been recovered the stolen articles and *bhung* money.

5. Heard arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of more than two months; such delay having not been explained plausibly could not be overlooked. The identity of the applicants under the light of bulb is appearing to be a weak piece of evidence. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicants. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out and such concession could not be denied to them only on the basis of recovery of the articles which are available in the market.

7. In view of above, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.50,000/- each and P.R bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

*Muhammad Danish\**