

**IN THE HIGH COURT OF SINDH, BENCH AT  
SUKKUR.**

**Crl. Bail Application No. S- 505/2022.**

Date of hearing	Order with signature of Judge
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For Hearing of Bail Application.

1. For orders on office objection at Flag 'A'.
2. For hearing of bail application.

**ORDER.**

**04.11.2022.**

Mr. Shabbir Ali Bozdar, Advocate for Applicants.

Syed Sardar Ali Shah, Additional P.G.

**NAIMATULLAH PHULPOTO J.**, Through this order, I intend to dispose of post arrest bail application filed on behalf of applicants/accused Muharram Ali, Raza Muhammad and Farooque in crime No. 283/2022, for offences under sections 406, 420 PPC registered at police station Daharki. Prior to this, post arrest bail filed on behalf of applicants/accused was turned down by Judicial Magistrate, Daharki vide order dated 27.09.2022. Thereafter applicants / accused approached learned Additional Sessions Judge, Daharki but their bail plea was also declined vide order dated 04.10.2022, hence, he has filed instant bail application.

2. Mr. Shabbir Ali Bozdar, learned counsel for applicants/accused contends that applicants / accused are innocent and have been falsely implicated in this case. Investigation is complete, alleged offences do not fall under prohibitory clause of Section 497 Cr.P.C. He has relied on the

case of Ali Raza v. The State (2022 SCMR 1223) and prayed for grant of bail.

3. On the other hand, learned Additional Prosecutor General did not oppose the grant of bail to the applicants in this case.

4. I have heard learned counsel applicants/accused, learned Additional Prosecutor General so also have gone through the material available on record. Additional Prosecutor General has pointed out that applicants / accused were not arrested from Automated teller machine (ATM) but were arrested from a street. Investigation is already complete. Ingredients to attract provisions of Sections 406 and 420 PPC are yet to be determined at trial. There is no independent evidence or material against the applicants / accused to involve them directly in this case. Question of their guilt is a matter which can be determined at trial. Alleged offences do not fall within prohibitory clause of Section 497 Cr.P.C. Rightly reliance has been upon the above cited authority.

5. For the above stated reasons, prima facie a case against the applicants / accused require further enquiry and applicants / accused named above are directed to be released on bail subject to furnishing their solvent surety in the sum of Rs. 100,000/- (One lac) each and PR bond in the like amount to the satisfaction of trial Court.

6. The aforesaid bail application stands disposed of in the above terms.

**J U D G E**