

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 153 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

14th June, 2022

Mr. Rehman Dino Mahesar, Advocate for applicant.
Mr. Talib Ali Memon, APG a/w complainant.

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Omar Sial, J: Hasan Ali has sought post arrest bail in Crime No. 24 of 2021 registered under sections 302, 201, 114, 504 and 34 P.P.C at the Gharo Police Station, Thatta. Earlier, his application seeking post arrest bail was dismissed by the learned 1st Additional Sessions Judge, Thatta on 7.9.2021.

2. The aforementioned F.I.R. was registered on 22.7.2021, upon the complaint of Roshan Ali Bughio. He recorded that his brother Muharam Ali had gone to work as a security guard at a fish farm owned by Rajab Ali. On 20.7.2021, the complainant was informed that Muharram had died and that the dead body was taken to the Edhi Centre by the applicant and Rajab Ali. The complainant was also told by somebody that on the evening of the 20th, Rajab Ali, Atta Hussain, Irfan Ali Magsi and Muhammad Sharif were at the fish farm when some people had attacked the fish farm and as Muharram Ali was a guard they had shot and injured him and that later he had succumbed to his injuries. The complainant went to the Edhi Center and saw that the dead body of his brother was being put in an ambulance and that in a vehicle nearby sat the applicant, Rajab Ali Magsi, Muhammad Sharif Magsi and Irfan Ali Magsi. The Magsi clan blamed one Sufyan Shaikh as having killed Muharram because Sufyan and the Magsis had an ongoing enmity. The complainant however nominated applicant Rajab Ali as having instigated the applicant, Atta Hussain, Muhammad Sharif Magsi and Irfan Ali Magsi to shoot Muharram.

3. I have heard the learned counsel for the applicant as well as the learned APG. The complainant did not engage a counsel, however, was present in person. My observations and findings are as follows.

4. At the outset, learned counsel for the applicant submitted that on similar allegations under a similar role co-accused Rajab Ali Magsi was

admitted to pre-arrest bail by this Court on 22.12.2021 and that on the ground of consistency Hasan Ali also deserved to be admitted to bail. **Learned APG** very n frankly conceded that as Rajab Ali Magsi has been granted bail and the bail has not been challenged, therefore, the applicant Hasan Ali also deserves the concession of bail.

5. In view of the above, Hasan Ali is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000/- and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE