

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 79 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

06-03-2023

M/s. Saathi M. Ishaq and S.K. Lodhi, Advocates for applicant.

Mr. Jamal Muhammad, Advocate for complainant.

Mr. Faheem Ahmed Panhwar, Addl.P.G.

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Omar Sial, J: Mohammad Obaid Ansari has sought post arrest bail in crime number 1048 of 2022 registered under section 408 P.P.C. at the Preedy police station. Earlier, his applications seeking bail was dismissed on 28.11.2022 by the learned 7th Additional Sessions Judge, Karachi South.

2. A background to the case is that the aforementioned F.I.R. was registered on 7.11.2022 for an offence committed on 18.10.2022 on the information provided by Mohammad Waqas Ahmed, who was the authorized officer of a company known as Vivo Electric (Private) Limited. Waqas recorded that in September 2022 the company had doubt regarding shortfalls of its revenue. An internal audit was conducted and it was determined that the applicant was responsible for the embezzlement of 5 million rupees which he had received from a customer but had not deposited the same in the company account.

3. I have heard the learned counsels for the applicant and the complainant as well as the learned Addl.P.G. My observations and findings are as follows.

4. The learned counsel for the complainant has explained that the findings of the company regarding 5 million rupees were determined in an audit. Learned counsel also explained that there are ledger entries recorded in the books of accounts together with other documents that reflect the applicant's involvement in the said offence. He however

acknowledged that no money trail was found during investigation which would show how the applicant dealt with the money he had allegedly embezzled. No recovery of any nature has been effected. Evidence in this case is primarily documentary, which is in possession of the prosecution. Tampering with the evidence is therefore not possible. There is no chance of the applicant repeating the offence in the company as I understand he no longer is its employee. No possibility of the applicant being a flight risk has been agitated by the State. An offence under section 408 P.P.C. although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated by the Honorable Supreme Court of Pakistan in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) and keeping in mind that the applicant has already been in jail for some months, I do not see any exceptional or extraordinary grounds to deny the applicant bail.

5. Above are the reasons for the short order dated 2-3-2023.

JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 79 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

02-03-2023

M/s. Saathi M. Ishaq and S.K. Lodhi, Advocates for applicant.

Mr. Jamal Muhammad, Advocate for complainant.

Mr. Faheem Ahmed Panhwar, Addl.P.G.

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For the reasons to be recorded later on , the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE