

# IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-362 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>28.04.2023</u>	For orders on office objection. For hearing of main case.
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Mr. Sanaullah Khoso, advocate for the applicant along with applicant, who is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with ASI Karim Bux PS Kazi Ahmed, District Shaheed Benazirabad.

Mr. Imtiaz Ali Chandio, advocate files Vakalatnama on behalf of complainant, taken on record. Complainant is also present.

**Amjad Ali Sahito, J:-** Through instant bail application, the applicant/accused namely, Mst. Munawar Bibi seeks pre-arrest bail in Crime No.62/2023, registered at Police Station Kazi Ahmed, for the offence under sections 379 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-V/MCTC, Shaheed Benazirabad vide order dated 31.03.2023.

**2.** The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

**3.** Learned counsel for the applicant has mainly argued that the applicant/accused is innocent and has falsely been implicated in this case; that co-accused Muhammad Ali has been admitted to bail, whose case is identical to the case of applicant/accused, as such, she is also entitled for concession of bail on the rule of consistency. He further argued that the investigation is complete and applicant/accused is no more required for further investigation. Lastly, learned counsel prayed for confirmation of interim pre-arrest bail to the applicant/accused.

**4.** On the other hand, learned A.P.G. Sindh and learned counsel for the complainant both have vehemently opposed the confirmation of bail to the applicant/accused. They further contended that documentary as well as CCTV footages and photos are available, which connect the applicant/accused with the commission of crime and that no *mala fide* or ill will pleaded by the applicant/accused, as such, she is not entitled for concession of bail.

5. Heard and perused the record.

6. From the fact of FIR, it appears that the applicant/accused has stolen the tyres of the complainant in a Truck and subsequently sold out the same. Through the CCTV footage collected by the Investigating Officer, it shows that the applicant/accused is very much involved in this case. Further, the learned counsel for applicant/accused produced the certain document in which she has admitted before the nekwards and stated that she is ready to return all the theft articles to the complainant. The grant of pre-arrest bail being an extra-ordinary relief is to be granted on extra ordinary grounds and such relief is not to be used as substitute or as an alternate for post-arrest bail and accused, in order to get the relief has to establish that the registration of case is the outcome of *mala fide* and ulterior motives, however, no *mala fide* or ill will has been pleaded by the applicant/accused. At bail stage, only tentative assessment is to be made. Prosecution has, *prima facie*, furnished sufficient material to connect the applicant with the commission of offence and PWs have supported the prosecution version. In such circumstances, learned counsel for the applicant/accused has failed to make out the case for grant of bail to the applicant/accused. Accordingly, applicant/accused does not deserve for concession of pre-arrest bail, as such, instant pre-arrest bail application is **dismissed** and the interim pre-arrest already granted to the applicant/accused by this Court vide order dated 14.04.2023 is hereby recalled.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE