

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-391 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>16.05.2023</u>	<p>For orders on office objection. For hearing of main case.</p> <p>Mr. Bhagwandas Bheel, advocate for applicants along with Mir Murtaza Abro, advocate.</p> <p>Ms. Rameshan Oad, Assistant Prosecutor General Sindh.</p> <p>Mr. Jeelaji Rajput, advocate files Vakalatnama on behalf of complainant, which is taken on record.</p> <p>Complainant is present in person.</p>

Amjad Ali Sahito, J:- Through instant bail application, the applicants/accused namely, Omoon, Sahu, Maheso, Ooto and Kalu seek post-arrest bail in Crime No.09/2023, registered at Police Station Chachro, for the offence under sections 324, 147, 148, 149, 504, 114, 337-A (i), 337-A (ii), 337-F (i), 337-F (v), 337-F (vi), 337-L (ii), 34 PPC. Earlier the bail plea of the applicants/accused was declined by the learned Additional Sessions Judge-I, Tharparkar at Mithi vide order dated 17.04.2023.

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. At the very outset, learned counsel for the applicants/accused states that he does not wish to press instant criminal bail application to the extent of applicant/accused No.1 namely Omoon, on the ground that after examination of material witnesses he will repeat the same before learned trial Court. Consequently, bail application to the extent of applicant/accused **Omoon** is **dismissed** as not pressed.

4. Learned counsel for the applicants has mainly contended that the applicants/accused are innocent and have falsely been implicated in this case. He further contended that there is no role upon applicants/accused namely, Sahu, Maheso, Ooto and Kalu and only their presence has been shown at the place of incident. They are confined in Jail and not required for further investigation. He, therefore, prayed for grant of bail to them.

5. On the other hand, learned counsel for the complainant has affirmed the contentions of learned counsel for the applicants/accused that the applicants/accused Sahu, Maheso, Ooto and Kalu have not been assigned any role and only they were present at the place of incident. However, he has opposed the grant of bail to them.

6. Learned A.P.G. Sindh has raised no objection.

7. Heard and perused the record.

8. Admittedly, there is no role assigned upon applicants/accused Sahu, Maheso, Ooto and Kalu and only their presence at the place of incident has been shown. They have not caused any injury to the injured. Main role of causing injuries is attributed upon co-accused. So far applicability of section 324 PPC is concerned; it will be determined by the learned trial Court after recording evidence of the prosecution witnesses. The offence with which, the applicants are charged, does not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C. The applicants/accused are no more required for further investigation. In view of the above, instant criminal bail application is **allowed** to the extent of applicants/accused namely, **Sahu, Maheso, Ooto and Kalu** and they are admitted to post-arrest bail, subject to their furnishing a solvent surety in the sum of Rs.50,000.00 (Rupees fifty thousand only) each and PR bond in the like amount, to the satisfaction of learned trial Court.

9. 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 applicants on merits.

JUDGE