

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S-427 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

<u>11.05.2023</u>	For orders on office objection. For hearing of main case.
-------------------	--

Ms. Farhad Ali Abro, advocate for applicant along with applicant,
who is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Amjad Ali Sahito, J:- Through instant bail application, the applicants/accused namely, Obhayo seeks pre-arrest bail in Crime No.31/2023 for the offence under sections 395, 337-H (ii) PPC registered at Police Station Peru Mal, District Sanghar. Earlier, the bail plea of the applicant/accused was declined by the IInd Additional Sessions Judge, Sanghar vide order dated 20.04.2023.

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

3. Learned counsel for the applicant has contended that in the instant case 12 accused have been booked, out of which, three accused have been admitted to bail by the learned Additional Sessions-II, Sanghar vide order dated 06.04.2023, as such, since case of the applicant/accused being identical with their case, is also entitled for concession of bail on rule of consistency. He has further contended that challan has been submitted and the applicant/accused is no more required for further investigation. Learned counsel for the applicant/accused has pleaded *mala fide* on the part of complainant; that the applicant/accused has no concern with the alleged offence but he, being friend of co-accused Muhsin who have inimical terms with complainant, has been implicated by the complainant falsely. He,

therefore, prayed that the interim pre-arrest bail granted to the applicant may be confirmed.

4. Learned A.P.G. Sindh has raised objection to the confirmation of bail to the applicant/accused.

5. Heard and perused.

6. Admittedly three co-accused namely, Meer Hassan, Dur Muhammad and Dahraj have been admitted to post-arrest bail by the learned trial Court vide order dated 06.04.2023 and the case of the present applicant/accused is identical to their case, as such, he also deserves for the same relief. Further, learned counsel has pleaded *mala fide* on the part of complainant disclosing that the present applicant/accused is a friend of co-accused Mohsin, who has enmity with the complainant party, therefore, he has been falsely implicated in the instant case; otherwise, no role has been assigned upon the applicant/accused. In view of the above, applicant has made out the case for further inquiry. Consequently, interim pre-arrest bail granted to the applicant/accused is hereby confirmed on the same terms and conditions as laid down in the earlier order dated 04.05.2023.

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