

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

Criminal Bail Application No.S-477 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

12-06-2023

Mr. Muhammad Akram Sahito, advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

MUHAMMAD IQBAL KALHORO, J: - On account of some previous enmity, on 11.04.2023 applicant along with 08 other accused duly named in FIR attacked complainant sitting in his shop situated in village Abdul Ghafoor Keerio, Taluka Qazi Ahmed. Out of 09 accused, applicant is said to have caused an iron rod blow over head of complainant causing him an injury opined by doctor as 337-A (ii) punishable for 05 years.

2. Learned defense counsel submits that all the co-accused have been granted bail except applicant. Complainant has made exaggeration in FIR by implicating all the male members of the family. On the very day, son of the applicant namely Rustam was also injured by the complainant party which fact has been concealed by the complainant in FIR.

3. Learned A.P.G. Sindh in view of above facts does not oppose bail to the applicant.

4. Although the applicant has been assigned specific role of causing injury to complainant but the injury is punishable for only 05 years and its does not fall under prohibitory clause of section 497 (1) CrPC. There is a history of litigation pending between the parties and enmity is admitted in FIR. Therefore, *mala fide* on the part of the complainant who has implicated as many as 09 accused against one injury cannot be ruled out. Accordingly the application is allowed and interim pre-arrest bail granted to applicant is **confirmed** on the same terms and conditions as laid down in the earlier order dated 15.05.2023.

5. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE