

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S- 787 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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17.11.2023.

Mr. Abdul Salam Chandio, Advocate for applicants
alongwith applicants (on bail).

Ms. Sana Memon, A.P.G for State alongwith IO / ASI Hadi
Bux Rind PS Shaheed Fazil Rahu.

ORDER

Mohammad Karim Khan Agha, J.- The applicants have been booked in Crime No.103/2023 registered at Police Station Shaheed Fazil Rahu District Badin in respect of the offence u/s 382, 506/2, 509, 34 PPC and currently the trial is pending before the Court of Judicial Magistrate, Golarchi at Badin. The applicants had applied for pre-arrest bail which was recalled vide order dated 18.07.2023. Hence the applicants have approached this Court for pre-arrest bail.

2. The brief facts of the case as per contents of FIR are that complainant Mst. Aisha Bibi lodged FIR at PS Shaheed Fazil Rahu on 07.07.2023, stating therein that her husband has been expired and she is residing with her son Bashir Ahmed aged about 12/13 years in the house. Her father-in-law Muhammad Sharif is not on good terms with her. On 05.07.2023, complainant alongwith her son Bashir Ahmed was present in the house when at about 1700 hours, Muhammad Sharif Kamboh, Khairuddin son of Muhammad Sharif Kamboh, Anwar son of Muhammad Sharif Kamboh alongwith one unidentified person entered into the house of complainant, hurled abuses and asked the complainant to vacate the house. It is alleged that accused also took

away 04 cots worth Rs.20,000/-, two beds worth Rs.18,000/- and cash amount of Rs.200,000/-, total amount to Rs.2,38,000/- from the house of complainant. Such FIR was lodged.

3. I have heard the arguments of the parties and perused the record. Although there is delay of two days in lodging of FIR but this has been explained by complainant that she being a lady first approached the Nekmrds of locality but since the matter could not be resolved, she lodged FIR against the applicants. According to complainant the applicants entered into her house where she was residing in order to take away certain possessions and indeed took away 04 cots, 02 beds and a cash amount of Rs.200,000/- from the complainant and while leaving the house threatened her of dire consequences unless she kept quiet. All the applicants are named in FIR with a specific role. Case of the complainant as per FIR has been supported by S. 161 Cr.P.C statements of PWs Shoukat and Rasheed. This is a non-bailable offence. There appears to be no malafide on the part of complainant. I find that there is sufficient evidence to connect the applicants to the commission of offence. As such the instant bail application is dismissed and the interim pre-arrest bail already granted to the applicants vide order dated 26.07.2023 is hereby recalled with immediate effect.

4. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

5. Pre-arrest bail application is disposed of in above terms.

JUDGE

Tufail