

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COUTHYDERABAD.
Cr. Bail Application No.S-791 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection
For hearing of main case

11.08.2023.

Mr. Hameedullah Dahri advocate for applicant.

Ms. Rameshan Oad, A.P.G. for the State.

Complainant is present in person.

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Zulfiqar Ali Sangi,J- Through this bail application, applicant Majid Ali son of Muhammad Anwar Chandio seeks post arrest bail in Crime No.56 of 2023, registered at PS Bhitai Nagar, Hyderabad for offences under sections 397 and 34, PPC. Earlier his bail was declined by learned trial court vide order dated 20.07.2023.

2. Precisely prosecution case is that on 08.04.2023 complainant Ayaz Muhammad lodged FIR alleging therein that he was going to Citizen Colony, Hyderabad and when reached at PSO Pump, NLC Dry Port suddenly three persons including present applicant, came on motorcycle and on show of weapons committed robbery of Samsung mobile phone and cash of Rs.5000/- from him. The case was registered promptly by Bhitai Nagar Police and investigation was carried out; subsequently co-accused Imran Magsi was arrested by police on 10.4.2023; however, no crime weapon was recovered from his possession.

3. Learned counsel for applicant mainly contended that on the same facts and circumstances/role, co-accused Imran Magsi has been granted post arrest bail by this Court vide order dated 19.05.2023 passed in Cr. Bail Appln: No.S-412 of 2023

and case against applicant is identical to that of co-accused, therefore, the applicant is also entitled for bail on the rule of consistency.

4. Such request is not opposed by learned A.P.G after going through the earlier order passed by this Court.

5. Heard arguments and perused the record. It reflects from the earlier order passed by this court on 19.05.2023 that complainant has given contradictory statement in FIR before the police and on such basis including no objection raised by learned A.P.G. at that time and bail was granted to co-accused Imran Magsi. Tentative assessment of record reflects that the I.O has failed to recover crime weapon allegedly carried by the accused in the commission of alleged offence. It is a fact that there is similar role of present applicant to that of co-accused Imran Magsi, who has already been granted post arrest bail by this court, therefore, on the rule of consistency the applicant is also entitled for bail at this stage.

6. In view of above discussion, instant bail application is allowed and applicant is enlarged on bail subject to his furnishing a solvent surety in the sum of Rs.50,000/-(Rupees fifty thousand) and PR bond in the like amount, to the satisfaction of learned trial Court.

7. The observations made herein above are tentative in nature and shall not prejudice the case of either party at the time of trial.

JUDGE.