

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

Criminal Bail Application No.S-1059 of 2023

09.10.2023

Mr. Yaseen Leghari, advocate, for applicant.

Applicant is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant Ms. Emaan present in person.

ORDER

ZULFIQAR ALI SANGI, J:- This order will dispose of instant bail application filed on behalf of the applicants namely, Muhammad Ayooob @ Ayooob s/o Abbas Ali @ Abbas, Muhammad s/o Muhammad Laiq @ Laiq and Issa s/o Muhammad, seeking their pre-arrest bail, who are facing trial in Crime No.316/2023 of PS A-Section Tando Allahyar, registered under sections 380, 381-A, 506 PPC.

2. Background of the case is that the complainant was informed by her brother Rashid on 02.07.2023 alleging that the accused have committed theft of certain articles from her house. The complainant stated that the theft articles were found lying in the house of accused, who are her uncle and cousin, as such, she requested them for return of the same but they issued threats to the complainant for dire consequences.

3. Learned counsel for the applicants has contended that the applicants/accused are innocent and have falsely been implicated in this case; that the applicants are not concerned with the alleged offence; that there is no likelihood of tampering with the prosecution evidence if applicants' interim pre-arrest bail is confirmed, who after grant of interim pre-arrest bail have not misused the concession of bail. Learned counsel for the applicants further contended that the alleged offence does not fall within

prohibitory clause of section 497 (1) Cr.P.C. He, therefore, prayed for confirmation of interim pre-arrest bail already granted to the applicants.

4. On the other hand, complainant present in person has raised no objection for confirmation of bail to the applicants by filing her affidavit stating that accused persons are her real family members and she has forgiven them in the name of almighty ALLAH. Learned A.P.G. Sindh has also not opposed the confirmation of bail.

5. Since the offence does not fall within the prohibitory clause of section 497 (1) Cr.P.C. and the complainant has recorded her no objection for confirmation of the bail to the applicants, therefore, this application is **allowed**. Consequently, interim pre-arrest granted to the applicants vide order dated 25.09.2023 is hereby confirmed on the same terms and conditions.

6. The observations made hereinabove are tentative in nature and will not prejudice the case of either party.

JUDGE