

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 450 of 2024
(Safdar Ali and another v. The State)

Date	Order with signature of Judges
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For hearing of bail application

07.05.2024

M/s. Aamir Mansoob Qureshi and Moula Bux Bhutto, advocates for the applicants
Mr. Jameel Ahmed, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicants obtained a huge sum of money from certain persons for their appointment in Jail Police, which they failed except for two persons; on demand for the return of money through WhatsApp etc., they kept complainant Gulzar Ali and his witnesses under wrongful restraint and threatened him to be killed, for which the present case was registered.

The applicants having been refused bail by learned Ist-Additional Sessions Judge/MCTC, Karachi Malir, have sought the same from this Court by way of the instant bail application u/s 498 Cr. P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant and the very case has been recommended by the police to be cancelled as false under `B` Class, therefore, the applicants are entitled to be admitted to pre-arrest bail on point of further inquiry and malafide, which is opposed by learned Asstt. PG for the state and learned counsel for the complainant by contending that the applicants have committed the financial death of a good number of innocent persons by grabbing their money under the deception that they would get them employed in the Jail Department.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about 09 months; such delay could not be overlooked. The very case on the investigation has been recommended by the police to be cancelled as false under `B` Class, which now has been assigned for investigation to the Anti-corruption Establishment. Be that as it may. Nothing has been brought on record which may suggest that the applicants had an authority to make an appointment in civil service other than merits by accepting the money. The offence alleged against the applicants even otherwise does not fall within the prohibitory clause. In these circumstances, the case for grant of pre-arrest bail to the applicants on the point of further inquiry and malafide is made out.

Under the given circumstances, the interim pre-arrest bail already granted to the applicants is confirmed on the same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E