

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-57 of 2024

Applicants : Through Mr. Maqbool Ahmed Nizamani, Advocate.

Complainant : None present despite notice having been issued.

State : The State through Ms. Rameshan Oad, Asst. P.G Sindh.

Date of hearing : **02.02.2024**

Date of Order : **02.02.2024**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicants/accused above named seek their admission on pre-arrest bail in Crime No.43 of 2023, under sections 324, 337-A(i), 337-F(i), 452, 506(2), 147, 148, 149, 504 P.P.C registered at P.S Jam Nawaz Ali, after their bail plea was declined by the learned Additional Sessions Judge-II, Tando Adam, vide order dated 11.01.2024.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly contended that the applicants/accused are innocent and have falsely been implicated in this case; that the allegations leveled against the applicants/accused are general in nature; that as per the F.I.R both the injuries caused by the applicants / accused to injured Shahid Ali are bailable and does not fall within the prohibitory clause of Section 497 Cr.P.C.; that applicants have joined the investigation and are no more required for further enquiry as well as is regularly appearing before the trial Court. He lastly prayed for confirmation of bail.

4. On the other hand, learned Assistant Prosecutor General, Sindh has vehemently opposed for grant of bail to the applicants/accused.

5. I have heard learned counsel for the applicant, the learned Assistant Prosecutor General, Sindh and gone through the record available.

6. Admittedly, there exists enmity between the parties and the applicants / accused have assigned the role which is general in nature. Learned counsel for the applicants / accused have pointed out that after manipulating the false story the complainant has lodged the F.I.R. However, it is yet to be seen as to whether the offence has been committed unless the evidence is to be recorded. In these circumstances, the case of the applicants/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C. Learned counsel for the applicants/accused has pleaded malafide on the part of the complainant for false implication of the applicants/accused in this case which cannot be ruled out, therefore, the bail application is allowed. Consequently, the interim pre-arrest bail granted to the applicants/accused by this Court vide Order dated 17.01.2024, is hereby confirmed on the same terms and conditions.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**

*\*Hafiz Fahad\**