

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

Criminal Bail Application No.S-1377 of 2023

Criminal Bail Application No.S-39 of 2024

Applicant(s) : Through Mr. Mashooque Ali Bhurgari, Advocate.

Complainant : Mr. Zeeshan Ali Memon, Advocate files Vakalatnama on behalf of complainant, taken on record.

State : Through Ms. Rameshan Oad, Asst. P.G Sindh.

Date of hearing : **25.01.2024**

Date of Order : **25.01.2024**

O R D E R

AMJAD ALI SAHITO, J:- Both the captioned bail applications arises out of same incident and Crime, therefore, same are being disposed of by this single order.

2. Through Cr. Bail Application No.S-1377 of 2023, the applicants/accused seek their admission on pre-arrest bail in Crime No.479 of 2023, u/s 324, 454, 504, 34 PPC at P.S Badin, after his bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 12.12.2023. Whereas, the applicant Asif Ali through Cr. Bail Application No.S-39 of 2024 seeks his post-arrest bail in Crime No.479 of 2023, u/s 324, 454, 504, 34 PPC at P.S Badin, after his bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 08.01.2024.

3. 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.

4. Learned counsel(s) for the applicant(s) submits that applicants/accused are innocent and have falsely been involved in this case; that all the sections with which applicants/accused stand charged areailable except Section 324 PPC which is yet to be determined at the time of trial. He next submits that the complainant has manipulated the whole story with due deliberation and lodged the present F.I.R against the applicants/accused; that applicants/accused have

joined the investigation and are no more required for further enquiry as well as are regularly attending the trial Court. He lastly prayed for grant of bail.

5. On the other hand, learned Assistant Prosecutor General, Sindh assisted by learned counsel for the complainant has vehemently opposed for grant of bail to the applicants/accused.

6. Admittedly the offence in which the applicants/accused are charged does not fall within the prohibitory clause of section 497 Cr.P.C whereas grant of bail is a rule and refusal is an exception. No exception has been pleaded by learned counsel for the complainant as well as learned A.P.G to believe that applicants/accused in Cr. Bail Application No.S-1377 of 2023 have misused the concession of interim pre-arrest bail and to refuse the bail to the applicant/accused Asif Ali in Cr. Bail Application No.S-39 of 2024. The sections 454, 504 and 34 PPC areailable while applicability of section 324 PPC is to be determined at the time of trial hence, the case of applicants is fit for 'further inquiry. The applicant/accused Asif Ali is in jail and is no more required for further investigation, as such, his further detention will not improve the case of prosecution. At bail stage, only a tentative assessment is to be made. Learned counsel for the applicants/accused has made out a case for confirmation / grant of bail. Resultantly both Criminal Bail Applications are **allowed** and consequently, the applicant/accused Asif Ali in Cr. Bail Application No.S-39 of 2024 is admitted to bail subject to his furnishing solvent surety in the sum of Rs.25,000/- [Rupees Twenty Five Thousand] and P.R. bond in the like amount to the satisfaction of learned Trial Court. Whereas, the interim pre-arrest bail earlier granted to the applicants/accused in Cr. Bail Application No.S-1377 of 2023 vide order dated 19.12.2023 is hereby confirmed on 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