

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

Criminal Bail Application No.S- 1287 of 2024

Applicant : Dost Ali son of Baharo Khan Panhwar, through
Mr. Shahid Latif Soomro, Advocate.

Complainant : Through Altaf Sachal Awan, Advocate.

Respondent : The State
Through Ms. Rameshan Oad, A.P.G.

Date of hearing : **17.01.2025**

Date of Order : **17.01.2025**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.212 of 2024, under sections 380 PPC registered at P.S B-Section Nawab Shah, after his bail plea was declined by the learned Additional Sessions Judge-IV/MCAC, Shaheed Benazirabad vide order dated 23.10.2024.

2. Per learned counsel the applicant/accused is innocent and has falsely been implicated by the complainant; that there is five days delays in lodgment of FIR without any plausible explanation; that nothing was recovered from the possession of applicant/accused therefore, false implication of applicant/accused cannot be ruled out; that applicant/accused is attending the Court regularly and he has not misused the concession of interim bail. He lastly prayed for confirmation of interim pre-arrest bail.

3. On the other hand, learned counsel for the complainant and learned A.P.G for the State have vehemently opposed for grant of interim pre-arrest bail.

4. Heard and perused the record.

5. The case of prosecution is that the supervisor of Disterly department Muhammad Imran, security guard Sultan Ahmed informed the complainant through cellphone that Dost Ali (applicant/accused) stolen the pipe locks of Copper Brass from the Disterly department and when at about 0940 hours the complainant went to the Disterly department where on the gate of Disterly the security supervisor Muhammad Imran and Sultan Ahmed disclosed that the Dost Ali Panhwar was seeing at the time of departing from the gate by carrying something in the fold of his shalwar, they captured him and when search was made in presence of the witnesses then they found that the locks were in the fold of his shalwar, as such he has committed this offence. Subsequently, he was fired from his services and thereafter the FIR was registered. After grant of pre-arrest bail the I.O of the case was called and in support of his contention he has produced the photographs and video clips, USB and so also other documentary evidence wherein apparently it demonstrates that the accused has committed the offence with which he is charged. No malafide or ill will has been pointed out by the learned counsel for the applicant/accused in order to falsely involve him in the commission of offence therefore, at this stage he has

miserably failed to make out a case for grant of bail in his favour. Resultantly, instant bail application is dismissed and the interim pre-arrest bail already granted to applicant/accused vide order dated 03.12.2024, passed by this Court is hereby recalled.

6. 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 applicants on merits.

JUDGE

Ahmed/Pa,