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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No: S-~~405~~ of 2012.

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Date _____ Order with signature of judge. _____

1. For orders on M.A No.2105/2012.
2. For Hearing. _____

11.12.2012.

Mr. Altaf Hussain Surahio, advocate for the applicant.
Mr. Azizul Haq Solangi, Asstt: A.G. A/W asi Mir Hassan Golo.

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NAIMATULLAH PHULPOTO, J.:- Applicant/accused seeks bail in Crime No.128/2010 registered against the applicant/accused at P.S Ghouspur U/S 406, 407, 395 and 120-B PPC.

According to prosecution case, present applicant/accused was truck driver. Truck was loaded with 803 bags fertilizer at Karachi. Truck was stopped by applicant near his house at Ghouspur. Eight unknown persons snatched bags from the present applicant/accused. FIR was lodged against the unknown persons by complainant. Applicant while apprehending his arrest approached to the learned Sessions Judge, Kashmore at Kandhkot for pre arrest bail, same was transferred to learned Additional Sessions Judge, Kandhkot where bail application moved on behalf of present applicant/accused was rejected vide order dated 12.07.2012. In the meanwhile, challan U/S 512 Cr.P.C against the accused was submitted and the applicant/accused was taken into custody and remanded to jail. Bail after arrest application was moved before the same Court and it was rejected by the Additional Sessions Judge, Kandhkot vide order dated 16.08.2012.

Saree

Mr. Altaf Hussain Surahio, learned advocate for the applicant/accused submits that there is not a single incriminating

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piece of evidence against the applicant/accused to connect him with the commission of the offence. He has submitted that the applicant was not named in FIR. Absolutely there is no evidence against the applicant/accused to submit challan against him.

Learned Asstt: A.G concedes to the contentions raised by the learned Advocate for the applicant and recorded no objection.

I have heard learned counsel for parties and perused the relevant record.

Prima facie there is no incriminating material to connect applicant/accused with the commission of the offence. Name of the applicant/accused did not transpire in the FIR. Incident was also un-witnessed therefore, case against the applicant/accused requires further inquiry as contemplated under section 497(2) Cr.P.C. Therefore, concession of bail is extended to the applicant/accused subject to furnishing solvent surety in the sum of Rs.100,000/= and P.R bond in the like amount to the satisfaction of trial Court.

11.12.2012
JUDGE