

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Bail Application No. D-22 of 2024

Present:

Justice Zafar Ahmed Rajput
Justice Muhammad Faisal Kamal Alam

Applicant : Anees-ul-Din s/o Abdul Razaque Dahri,
through Mr. Inam Ali Malik, Advocate

Respondent : The State, through Mr. Nazar Muhammad
Memon, Addl. P.G

Complainant : Meer Muhammad s/o Haji Razik Dino Dahri
through M/s. Hameedullah Dahri & Mirza
Farrukh Baig, advocates

Date of hearing : 13.06.2024
Date of order : 13.06.2024

ORDER

ZAFAR AHMED RAJPUT, J:- Applicant/accused Anees-ul-Din s/o Abdul Razaque Dahri being abortive to get firstly the concession of pre-arrest bail in CrI. Bail Application No. 233 of 2023 and then post-arrest bail in CrI. Bail Application No. 33 of 2024 from the Court of Anti-Terrorism Court No.1, Hyderabad vide orders dated 27.01.2024 and 28.03.2024, respectively, through instant application seeks the concession of post-arrest bail from this Court in Crime/FIR No. 124 of 2023, registered under section 365-A, P.P.C. read with section 6/7 of the Anti-Terrorism Act, 1997 at Police Station New Hala.

2 As per F.I.R., the complainant cultivated wheat crops on his agricultural land, admeasuring 24 acres in Deh Kirya. On 08.11.2023, in evening time, his sons, namely, Muhammad Hanif and Saddam Hussain went at said land for water rotation. At 12:00 p.m., Sadam Hussain returned to home due to non-supply of electricity and he disclosed that Muhammad Hanif was staying at the land and waiting for restoration of electricity. On the next morning, the complainant and his son Sadam Hussain went at the land where they did not



find Muhammad Hanif available there and his mobile phone was continuously powered off. They saw foot prints of 4/5 persons; they called footprints expert Muhammad Juman, who led to National Highway, where they found imprints of tyres of loader rickshaw, hence, they became dubious that Muhammad Hanif might be abducted by unknown persons for unknown reasons; for that the aforesaid FIR was lodged.

3. After hearing the learned counsel for the parties as well as Addl. P.G and perusing the material available on record with their assistance, it appears that on 09.11.2023 the complainant lodged the FIR promptly. Thereafter, he received phone calls of unknown persons from his son's mobile phone demanding Rs.2.50.00.000/= as ransom for release of his son. Police secured such conversation in USB. On 23.11.2023, police recovered the alleged abductee, who, on 06.12.2023, got his statement under section 164, Cr.P.C. recorded before the Judicial Magistrate-1, Hala wherein he implicated six accused persons, including present applicant, for his alleged abduction.

4. Applicant's claim with regard to his false implication due to dispute on diversion of water and delay in recording statement of abductee under section 164, Cr.P.C. are the issues that cannot be attended without going beyond the scope of tentative assessment, an attempt prohibited by law. The F.I.R. has been lodged against the un-known accused persons without any motivation or ill will. The abductee remained in captivity for 14 days. As per his statement, he was kept in chains and maltreated by the accused. Naturally, after his release from captivity he took some time to get recovery from trauma and get himself prepared for recording his statement. As such, delay in recording his statement appears to be reasonable.


5. From the tentative assessment of the evidence on record, it appears that the prosecution has sufficient evidence against the applicant to connect him



with the commission of alleged offence, which is punishable under section 365-A, P.P.C. read with section 6/7(e) of the Anti-Terrorism Act, 1997 with death or imprisonment for life; therefore, he is not entitled to the concession of bail; hence, we dismiss this criminal bail application.

6. The above observations are tentative in nature for the disposal of the bail application and shall not influence the trial Court while deciding the case of the applicant on merit

7. Above are the reasons of our short order, dated 13.06.2024, whereby instant bail application was dismissed.


JUDGE
26/6/2024