

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.D-03 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on MA-654/2020
2. For hearing of main case.

26.01.2022.

Mr. Muhammad Asif Zai, Advocate for applicants.

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1. Urgency is granted.
2. Applicants / accused Khuda Bux, Abbas Ali and Aijaz Ali are present alongwith their Counsel and seek protective bail in Direct Complaint No.01 of 2022 for offences under Sections 386, 387, 506(ii), 147, 148, 149 read with Section 6/7 of Anti-Terrorism Act, 1997. It is stated that presently the case is pending before learned Judge, Anti-Terrorism Court, Mirpurkhas and NBWs have been issued against the applicants/accused. It is contended that applicants / accused are prepared to surrender before the trial Court but apprehend their arrest as NBWs have been issued against them. Serious *mala fides* on the part of complainant and police have been alleged.

Without touching the merits of the case, applicants/accused are granted protective bail for a period of 05(five) days in Direct Complaint No.01 of 2022, subject to their furnishing solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand) each and P.R. Bonds in the like amount to the satisfaction of Additional Registrar of this Court. Applicants / accused are directed to surrender before the trial Court within the aforesaid period. In the meanwhile, operation of the NBWs issued against the applicants shall stand suspended.

This order shall cease to have its effect on expiry of 05(five) days from today i.e. upto 30.01.2022 or whenever the applicants / accused surrender themselves before the trial Court. It is made clear that in case the applicants / accused failed to surrender before the concerned Court within stipulated period, their bail bonds shall stand automatically forfeited. Before parting with this order, it is observed that question regarding jurisdiction of the Anti-Terrorism Court in this matter is involved. Learned Judge, Anti-Terrorism Court is directed to first determine the jurisdiction of Anti-Terrorism Court under the provisions of Anti-Terrorism Act, 1997 and then to proceed further and send copy of the order to this Court.

Bail application stands disposed of in above terms.

JUDGE

JUDGE