

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

Cr. Bail A. No. S-1037of 2024

Hassan Ali.....Applicant

Versus

The State.....Respondent

Muhib Ali Leghari, Advocate for the Applicant
Sana Memon Assistant P.G a/w IO SIP Mumtaz Ali Jamali

Date of Hearing : 21.10.2024.

ORDER

YOUSUF ALI SAYEED, J - Following the dismissal of his earlier bail Application by the learned IInd Additional Sessions Judge, Tando Allahyar, the Applicant has approached this Court under Section 498 Cr.P.C seeking pre-arrest bail in respect of FIR No. 05 of 2024, registered against him at Police Station Bukera Sharif Tando Allahyar on 15.01.2024 under Sections 395, 342, 147, 148 and 149 PPC.

2. The allegation against the Applicant is that in between 2300 hours on 25.09.2023 and 0300 hours on 26.09.2023, as part of an unlawful assembly comprising of him and several other persons, namely Ameer Bux, Khuda Bux and Allah Bux, Kamran and Ghazi, arrived at the agricultural land of the complainant armed with deadly weapons in pursuit of a common object and wrongfully confined the watchman, Kirshan, and Kamdar, Hyder, and committed the robbery of 22 Solar Plates of 370 Watts and one inverter, having a total worth of Rs.800,000/-.

3. Learned counsel for the Applicant and the learned APG were heard and the record perused, with the following points coming to the fore:
 - (a) There was delay of 03 months and 21 days in lodging the FIR for which no proper explanation has been advanced, and the prospect of false implication cannot be ruled out at this stage.
 - (b) No incriminating recovery has been affected from the Applicant.
 - (c) Several of the co-accused have already been acquitted by the trial Court vide Judgment dated 10.05.2024
 - (d) The offences set out in the FIR do not fall within the prohibitory clause of Section 497(1) Cr.P.C and the matter even otherwise appears to be one that requires further inquiry.

4. It is in view of those factors that the Application was then allowed vide a short Order made in Court upon culmination of the hearing on 21.10.2024 with the interim pre-arrest bail granted in the matter being confirmed on the prevailing terms.

JUDGE