

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

Cr. Bail Application No. S-794 of 2024

Aijaz Ali.....Applicant

Versus

The State.....Respondent

Peeral Majeedano, advocate for applicant
Sana Memon, Assistant P.G

Date of Hearing : 11.11.2024

ORDER

YOUSUF ALI SAYEED, J - Following the dismissal of his earlier bail application by the learned 1st Additional Sessions Judge/Model Criminal Trial Court, Shaheed Benazirabad the Applicant has approached this Court under section 497 Cr.P.C seeking post-arrest bail in respect of FIR No. 15 of 2024, registered against him at Police Station Ali Abad, on 14.08.2024 under Sections 380 and 457 PPC.

2. Succinctly stated allegation set out in the FIR lodged on behalf of the State by H.C Muhammad Ashfaque that applicant being engaged in the theft of a water router pump and three touch mobile phones of several labors during the dead of night on 26.07.2024.
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) The occurrence is said to have taken place on 26.07.2024, however the FIR was lodged belatedly on 14.08.2024 for which no proper explanation has been advanced, and the prospect of false implication cannot be ruled out at this stage.

- (b) Neither the person who is said to have informed the police, namely Muhammad Waris, nor any of the affectees came forward to himself lodge the FIR and the alleged victims of the theft also remained unnamed/unidentified in the FIR.
 - (c) The only recovery from the Applicant was that of one vivo mobile phone, which cannot be considered incriminating at this stage especially when no description of the device was specified in the FIR with reference to any serial or INIE number.
 - (d) That the Applicant has no previous criminal record, with no flight risk concern being raised on behalf of the State.
4. It is in view of those factors that the Application was allowed vide a short Order made in Court upon culmination of the hearing on 11.11.2024 with the applicant being granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and execution of P.R Bond in the lime amount to the satisfaction of Trial Court.

JUDGE