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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Bail Appln. No.S-277 of 2014
Crl. Bail Appln. No.S-290 of 2014
Crl. Bail Appln. No.S-193 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
21.11.2016.	

Mr. Noorullah G. Rind, advocate for applicant Ghulam Rasool Odho in Crl. Bail Application No.S-277/2014, alongwith applicant Ghulam Rasool Odho.

Applicant Abdul Kareem Tagar in Crl. Bail Application No.S-290/2014 present in person.

Mr. Nisar Ahmed G. Abro, advocate for applicant Oshaque Ali Arbani in Crl. Bail Application No.S-193/2016, alongwith applicant Oshaque Ali Arbani.

Mr. Khadim Hussain Khooharo, DPG.

Since all three listed bail applications have arisen out of one F.I.R, therefore, the same have been heard together and are being disposed of by this common order.

Through listed bail applications, applicants Ghulam Rasool Odho, Abdul Kareem Tagar and Oshaque Ali Odho seek pre-arrest bail in Crime No.08/2014, registered at Police ACE, Larkana, under Sections 409, 467, 468, 471; 477-A; 34, PPC read with Section 5(2) Act-II of 1947. They were admitted to interim pre-arrest bail vide orders dated 26.6.2014, 02.7.2014 and 20.4.2016 respectively, which are fixed today for confirmation or otherwise.

The earlier bail applications filed by applicants Ghulam Rasool Odho and Abdul Kareem Tagar were dismissed by the learned Special Judge, Anticorruption (P), Larkana vide orders dated 21.6.2014 and 25.6.2014 respectively, while applicant Oshaque Ali Odho has approached this Court directly for grant of pre-arrest bail after submission of challan, as his name was shown as absconder in the second column of challan.

Briefly stated, facts of the case are that on 17.6.2014 Inspector Hidayatullah Channa of ACE, Larkana lodged the F.I.R on behalf of the State, alleging therein that accused Ghulam Rasool Odho, the Head Clerk and accused Abdul Kareem Tagar, Clerk, SDO Female Ratodero office, in collusion with each other and in their official capacity, forged fake bills worth


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Rs.3,35,226/- against the salaries of ghost employees, and then drawn and misappropriate the same, hence they caused loss to public exchequer.

Messrs Noorullah G. Rind and Nisar Ahmed G. Abro, learned Counsel appearing on behalf of applicants Ghulam Rasool Odho and Oshaque Ali Arbani, have contended that there is inordinate delay of 15 years in lodging the F.I.R. for that no plausible explanation has been furnished. They have further submitted that there is no signature of the applicants on any of the bills alleged to have been passed and amounts thereof have allegedly been misappropriated by the applicants. They have further contended that there is no direct evidence regarding involvement of present applicants with the commission of offence shown committed in the year 1999/2000, hence it is a fit case of further inquiry. Lastly, they submitted that after grant of interim pre-arrest bail the applicants are regularly attending the trial Court and they have never misused such concession.

On the other hand, learned DPG has contended that the offence is heinous in nature, therefore, the applicants are not entitled for concession of pre-arrest bail.

Record shows that the police has submitted the challan against the applicants, who are facing trial and are no more required for further investigation. It is also an admitted fact that there is delay of 15 years in lodging of F.I.R and it is yet to be determined through cogent evidence that the alleged bogus bills were prepared by the applicants or they are even otherwise beneficiary of alleged act, hence it is a fit case of further inquiry. As regards the heinousness of the crime, the same may be, but it does not furnish a sound judicial principle refusing bail to accused charged with the offence, requiring further inquiry as envisaged under subsection (2) of Section 497, Cr.P.C; therefore, the interim pre-arrest bail earlier granted to the applicants is hereby confirmed on same terms and conditions.

These bail applications stand disposed of.


21/11/2016
JUDGE