

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Bail Appln. No.D-20 of 2021.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
--------------------	---------------------------------------

1. For orders on office objection 'A'.
2. For hearing of bail application.

14.07.2021

Mr. Mazher Ali Bhutto, advocate for the applicant.

Mr. Ajmair Ali Bhutto, advocate for the complainant.

Mr. Aitbar Ali Bullo, D.P.G.

Present :

Zafar Ahmed Rajput, J.
Adnan-ul-Karim Memon, J.

ZAFAR AHMED RAJPUT, J- Through this Crl. Bail Application, applicant/accused Nisar Ahmed son of Khair Muhammad Bhutto, seeks post arrest bail in Crime No.13/2021 registered at Police Station Mahota, under sections 384-6 K, Anti-Terrorism Act. His earlier application for grant of bail bearing No.16 of 2021 was heard and dismissed by the learned Judge, Anti-Terrorism Court, Larkana, vide order dated.15.6.2021.

2. Briefly stated the prosecution case as narrated in the F.I.R are that on 25.4.2021 at 11:00 p.m, complainant Niaz Hussain Bhutto received a call from Mobile Phone bearing No.0304257687 on his Mobile Phone having No.03003419400, whereby a person demanded Rs.500,000/- from him as Bhatta and issued threats of murder for him and his father Moula Bux Bhutto in case of non-payment of said amount. The unknown accused also thereafter made calls to complainant which were not attended by him, therefore, he sent a message from his mobile and issued threats of dire consequences while demanding Bhatta of Rs.500,000/-.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated by the



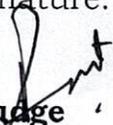
complainant in this case on the basis of personal grudge and enmity; that there is delay of ten days in registration of F.I.R and for which no plausible explanation has been furnished by the complainant; that the name of the applicant does not transpire in the F.I.R, but later on, police implicated him *mala fidely* on the basis of further statement of complainant which was recorded after twenty days of registration of F.I.R; that there is no ocular evidence of the incident and whole story is fictitious and false; that there are no reasonable grounds to believe that the applicant is guilty of alleged offence; that the complainant has already given No.Objection for the grant of this application.

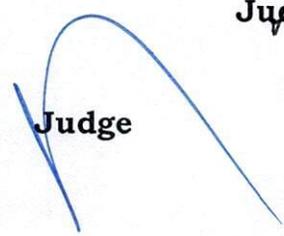
4. On the other hand, learned D.P.G, while opposing instant application has maintained that the applicant in collusion with a dangerous criminal of locality demanded Bhatta and issued threats to complainant for dire consequences which fact is proved through Call Detail Record (C.D.R); that for demanding Bhatta and issuing of threats to complainant the Subscriber Identity Module (S.I.M) of dead person has been used; that since the applicant is involved in a heinous offence, No.Objection given by the complainant is of no value.

5. Heard the learned counsel for the parties and perused the material available on record with their assistance.

6. The applicant has not furnished any sort of evidence to establish that the complainant has any personal grudge with him and for that he has been falsely implicated in this case. The F.I.R is against an unknown accused for demanding Bhatta and issuing serious threats to complainant from a Cell Phone. It appears from the perusal of C.D.R that the present applicant accused is closely in touch with the unknown accused who demanded Bhatta and issued threats to complainant through his Cell Phone having No.0304257687 and as per investigation of police, the Subscriber Identity Module (S.I.M) of said Number has been obtained on the name of dead person. The Subscriber Identity

Module (C.D.R) also confirms telephone calls from said Number to complainant and present applicant, so also S.M.S. The F.I.R is delayed by ten days; however, delay *ipsi facto* is no ground for the grant of bail to an accused. From the tentative assessment of material available on record, it appears *prima facie* that the applicant is connected with the commission of heinous offence of extortion which has serious effects on public at large in the society. Hence the applicant is not entitled to concession of bail. Accordingly, instant Crl. Bail Application is dismissed; however, the trial Court is directed to expedite the matter and conclude it expeditiously without being influenced from the aforementioned observations of the Court which are tentative in nature.


Judge


Judge