

UFA

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.
Cr. Bail Applns. No.S- 480 and 487 of 2012.

Dated _____ order with signature of hon'ble Judge.

1. For order on office objection as flag A.
2. For Hearing.

26.07.2013.

Mr. Mohammad Azeem Korai, advocate for the applicants. Applicants Aijaz, Papoo and Sadam Hussain are present.

Mr. Riaz Hussain Khoso, State Counsel.

Mr. Nazir Ahmed Bangwar, advocate alongwith the complainant.

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By this common order, I will dispose of these two bail applications arising out of same Crime No. 206/2012 of P.S A Section Kandhkot registered for an offence U/S 395 PPC.

2. Relevant facts are that complainant Abdul Ghani lodged FIR wherein he contended that applicants armed with pistols committed robbery of motorcycle; thereafter villagers converged there and they chased them and at some distance applicants/accused left the motorcycle and ran away.

3. Learned counsel for the applicant, inter-alia, contended that the applicants Aijaz, Papoo and Sadam Hussain are all brothers and they are students and applicant Aijaz is studying in Engineering College and they have been implicated with malafide intention and ulterior motives. In the instant case, though it is alleged that dacoity was committed but it is matter of record that nothing was robbed in that dacoity. Applicant/accused Jalal is behind bar; case is pending for trial. Complainant has extended no objection therefore, they may be granted bail.

4. Complainant alongwith his counsel present in Court contends that the applicants are not real culprits and he has no objection if bail is granted to the applicants.

5. Learned State Counsel contends that he has no objection for grant of post arrest bail to accused Jalal whereas for remaining applicants, he contends that they are not entitled for bail

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as there is no malafide on the part of complainant as well as prosecution.

6. Heard learned counsel for the parties and perused the record.

7. After careful examination of material available on record, it reveals that though there is specific allegation against applicants that they robbed motorcycle from complainant, thereafter other people of locality who converged there chased them and due to that they left the same motorcycle and ran away but complainant present in Court contends that he has not implicated the applicants in instant case. It is pertinent to mention that question of dacoity requires further probe as admittedly it is alleged that applicant did not succeed to take away the motorcycle. Case has been challaned and matter is pending for adjudication of their guilt.

8. With regard to the pre arrest bail application of applicants, it is settled principle of law that if one accused succeeded in bringing the case within purview of subsection 2 of section 497 Cr.P.C and is entitled for concession of post arrest bail then no useful purpose will be served if the concession of pre arrest bail is denied to other accused of same crime. Thus on this analogy, I am also of the view that they are also entitled for pre arrest bail.

9. In view of above, interim bail granted earlier to applicants Aijaz and others is hereby confirmed on the same terms and conditions whereas, accused Jalal is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/= and P.R bond in the like amount to the satisfaction of trial Court.


JUDGE