

PPC Post Arrest Bail granted
Rule of consistency

655

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

Criminal Bail Application No.D-19 of 2021

PRESENT:

MR. JUSTICE MOHAMMAD KARIM KHAN AGHA

MR. JUSTICE ZULFIQAR ALI SANGI

Applicant : Through Syed Shahzad Hyder Shah,
Advocate.

State : Through Mr. Shahwak Rathore, Deputy
Prosecutor General, Sindh.

Complainant : Through Mr. Muhammad Salim Malik,
Advocate.

Date of Hearing : 30.06.2021.

Date of Order : 30.06.2021.

ORDER

MOHAMMAD KARIM KHAN AGHA, J :- Through this bail application, the applicant/accused Ali Ahmed s/o Muhammad Achar, seeks Post Arrest Bail in Crime No.19/2021, under Sections 462-C, 427, 149 PPC r/w Section 6 of ATA, registered at Police Station Mangli District Sanghar. Earlier the applicant has applied for post-arrest bail which was dismissed by the learned Judge, Anti Terrorism Court, Shaheed Benazirabad vide its order dated 07.05.2021, and therefore, has now approached this Court for getting post-arrest bail.

2. The brief facts of the case as per FIR lodged by the complainant on 01.03.2021 are that some persons were stealing oil from OGDCL pipelines and after stealing oil they went to house of co-accused where explosion took place and one of the accused died and some were become injured whilst they were dealing with stolen oil.

3. We have heard the learned counsel for the applicant, learned D.P.G for State and learned counsel for the complainant and examined the record.

3

4. It is an admitted position that the applicant is not named in the FIR and no role has been attributed to him. It appears that the complainant in the FIR made a supplementary statement seven days after registering the FIR implicating the applicant in the offence.
5. Learned D.P.G for State has candidly conceded that apart from supplementary statement there is no other evidence against the applicant. He has also when confronted by this Court conceded that co-accused Moula Bux, who has an identical role in this offence, has already been granted bail by this Court vide order dated 09.06.2021, and as such, the rule of consistency is applicable to the case of applicant.
6. On the other hand, learned counsel for the complainant has opposed the grant of bail to the applicant, however, he has not been able to point out any difference in the case of the applicant and co-accused Moula Bux who has already been granted post arrest bail by this Court vide order dated 09.06.2021.
7. This is a serious offence but at this point of time *prima facie* there is insufficient evidence to connect the applicant with the offence. The case of applicant is also on the same footing as of the case of co-accused Moula Bux, who has already been granted bail by this Court and as such, the applicant is also entitled to post-arrest bail based on the rule of consistency.
8. In view of above, instant bail application is allowed. The applicant/accused is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.300,000/- [Rupees Three Hundred Thousands] and P.R. bond in the like amount to the satisfaction of the learned trial Court. Learned trial Court / ATC Shaheed Benazirabad is directed to complete the trial of the case within six (06) months of the date of this order.

9. The observations made in this order are tentative in nature and will have no influence or bearing upon the outcome of trial which shall be decided on merits by the learned trial Judge based upon evidence placed before him.

10. It is noted that the applicant Ali Ahmed s/o Muhammad Achar is by caste Chang instead of Chandio, the office is therefore, directed to make appropriate correction in the title of memo of this bail application.

11. A copy of this order shall be sent to learned trial Court / ATC Shaheed Benazirabad for compliance.

12. The above post-arrest bail application stands disposed of in the above terms.

JUDGE

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JUDGE

Hafiz Fahad