

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

Cr. Bail Application No.S-244 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

19.06.2025.

Mr. Ghulamullah Chang, Advocate for applicant/accused.

Mr. Mazhar Ali Laghari, Advocate for complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State a/w Inspector Tufail Ahmed Jalalani from PS Dehi.

**ORDER**

Amjad Ali Sahito, J:- Through the instant Bail Application, applicant/accused Mavji s/o Valji is seeking pre-arrest bail in crime No.79/2024 registered at Police Station Dehi District Badin, for the offences under Section 302, 201, 34-PPC. Earlier his pre-arrest bail plea was declined by the learned Sessions Judge, Badin vide order dated 03.03.2025 and his interim relief was recalled.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The learned Counsel for the applicant/accused argued that the applicant/accused is innocent and has falsely been implicated in this case. He has further contended that the complainant party had not good terms with deceased so also with applicant/accused and even the deceased being son in-law of applicant/accused was residing at his house. He further submits that just to take revenge this false story has been cooked to drag the applicant/accused party in a heinous offence. He lastly prayed for confirmation of bail earlier granted to applicant/accused.

4. Conversely, the learned Counsel for complainant as well as learned Prosecutor General strongly opposed for confirmation of bail and contended that the applicant/accused is nominated in the FIR; that no malafide has been proved by the applicant/accused on the part of complainant, thus, the bail application may be dismissed and interim order earlier granted to applicant/accused may also be recalled.

5. Arguments heard. Record perused.

6. A perusal of the record reveals that the complainant Walji lodged FIR on 03.10.2024 alleging therein that on 23.08.2024 applicant/accused (who was also father in-law of complainant's brother namely Bachayo @ Keval) informed him that his brother Bachayo has committed suicide. Such information was communicated with police, who after completing legal formalities handed over the dead body, which was subsequently buried. The complainant further alleged that his nephews namely Dileep & Resham (children of deceased) disclosed him that the maternal grandfather (applicant/accused) & maternal grandmother alongwith their own mother (deceased's wife) had committed murder of Bachayo by pressing his throat. The Investigation Officer present in the Court stated that the nephews of complainant have not supported the version of complainant in their 161 Cr.P.C statements.

7. Admittedly, the applicant/accused was father in-law of deceased and at present the father in-law, mother in-law & wife of deceased are under allegation of murder with a delay of more than one month. The applicant pleaded malafide on the part of the complainant that he has registered FIR with delay of about forty (40) days after due deliberation and consultation. The learned counsel for the applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. Consequently, instant bail application is allowed. The interim pre-arrest bail granted to the applicant/accused by this Court vide order dated 14.03.2025 is hereby **confirmed** on the same terms and condition. The applicant/accused is directed to attend the Trial Court regularly. If

the applicant/accused fails to appear before it, the Trial Court would be at liberty to take action against him in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Ali.