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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 203 of 2022.

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|-----------------|-------------------------------|
| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|

09.06.2022.

1. For orders on office objections.
2. For hearing of bail application.

Mr. Muhammad Ashique Dhamraho, Advocate for applicants.
Mr. Ali Anwar Kandhro, Additional Prosecutor General.

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Heard learned counsel appearing for the parties. For the reasons, to be recorded later on, applicants Amanullah and Akhtar Ali are admitted to post arrest bail in case/ F.I.R No.02/2005 of P.S Miranpur Buriro, subject to execution of P.R bonds in the sum of Rs.500,000/- (*Five hundred thousand rupees*) each to the satisfaction of learned trial Court.

  
Judge

Ansari

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**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
LARKANA**

**1<sup>st</sup> Criminal Bail No.S-203 of 2022**

**Amanullah Magsi & another  
V/S  
The State**

Applicants: Through Mr. Muhammad Ashique  
Dhamraho, Advocate

State: Through Mr. Ali Anwar Kandhro,  
Additional Prosecutor General.

Date of Hearing: 09.06.2022

Date of Reasons: 09.06.2022

**ORDER**

**Omar Sial, J.-** Applicants Amanullah Magsi and Akhtar Magsi have sought post arrest bail in Crime No.02/2005, registered under sections 363, 364, 171 and 149 P.P.C. at the Miranpur Buriro police station. Earlier, their application seeking bail was dismissed on 08.04.2022 by the learned Sessions Judge, Jacobabad.

2. A background to the case is that the aforementioned F.I.R. was registered on 27.02.2005 on the complaint of one Dad Muhammad Magsi. The complainant recorded that one and a half month ago the two applicants, along with 5 other companions as well as 7 police constables, all armed with weapons, had forcibly entered into his house and forcibly taken with them his sister-in-law named Malkan as well as her three children Aamir, Asif and Ameeran. The complainant chose not to lodge a report with the police but one and a half month later he registered the F.I.R. on the advice of a nekmard of the area. The two applicants were arrested 17 years later on 08.03.2022.

3. I have heard the learned counsel for the applicants as well as the learned Additional Prosecutor General. None appeared on behalf of the complainant. The respective arguments of the counsels are not

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reproduced for the sake of brevity but are reflected in my observations below.

4. Malafide on the part of the complainant is floating on the surface of the case. All the allegedly abducted people are ostensibly hale and hearty and Ameeran appeared in court and stated that none of them had ever been kidnapped. She further stated that she has been happily married to the applicant Akhtar Ali for the last 17 years and that she now has 6 children from him. She also confirmed that her mother and two brothers said to have been abducted are also going about their normal lives. The applicant Amanullah is her father-in-law and that her father Dad Mohammad filed a false case solely because of land disputes in the family. I also find it unnatural that the complainant for nearly a month and a half did nothing to recover the alleged abductees let alone approach the police for help. The learned Additional Prosecutor General in view of the foregoing half-heartedly opposed the grant of bail but was not in a position to rebut any of the foregoing. The case against the applicants is certainly one of further inquiry.

5. Above are the reasons for the short order dated 09.06.2022, whereby the applicants were admitted to post arrest bail.



**JUDGE**