

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2755 of 2025

Applicant : Taha Younus Virani through Mr. Abdul Hafeez, Advocate.

Complainant : Syed Nadeem Ahmed through Mr. Shahzad Afzal, Advocate.

Respondents : The State through Ms. Rubina Qadir, Additional Prosecutor General Sindh.

Date of Hearing : 11.02.2026.

Date of Order : 11.02.2026.

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant Taha Younus Virani seeks pre-arrest bail in Crime No.725/2025 registered at Police Station Boat Basin, Karachi under Sections 408, 420 & 506 PPC. Earlier, his Bail before Application No. 3343 of 2025, was declined by the learned IX Additional Sessions Judge, Karachi South, vide order dated 10.10.2025. Hence this application for same concession.

2. Brief facts of the prosecution case are that the complainant Muhammad Nadeem reported that he has been running his company namely *Versant* for the last about 30 years and the applicant, being his accountant for about eight years, was entrusted with company finances. It is alleged that on 16-07-2025, during the complainant's absence abroad, the applicant transferred cheque No.150062807 of Habib Metro Bank amounting to Rs.9,00,000/- into his personal account, which transaction was stopped after bank verification. It is further alleged that upon inquiry conducted through the complainant's friend and co-accountant Aqib Ahmed Qureshi, the applicant admitted in writing that he had misappropriated more than one crore and six lac rupees over time and transferred funds into the account of his wife Mehwish. Subsequent audit allegedly revealed further misappropriation of cash and company funds exceeding two crore rupees, causing financial loss to the company, and that the applicant also extended

threats to company staff, whereafter legal action was sought and FIR came to be registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intention; that the complainant himself had issued signed bearer cheques for company expenses and payments to vendors; that all transactions were made in routine course of employment; that no forensic audit or independent financial reconciliation has been conducted; that the alleged extra-judicial confession has no legal sanctity; that no recovery is required from the applicant; and that the case is purely of documentary nature calling for further inquiry. It was argued that interim protection may be confirmed.

4. Conversely, learned D.P.G assisted by learned counsel for the complainant opposed the application and contended that the applicant, being entrusted accountant, abused fiduciary trust; that multiple company cheques of substantial amounts were deposited into applicant's personal account; that corresponding deposit slips and bank statements establish misappropriation; that documentary material prima facie connects the applicant with commission of offence; that the magnitude of financial embezzlement is enormous; and that custodial interrogation is necessary to trace diverted funds and beneficiaries.

5. Heard and perused the record.

6. Perusal of record reflects that the specific allegation against the applicant is of criminal breach of trust committed in capacity of accountant entrusted with company finances. The documentary material placed on record comprises multiple bearer cheques issued from company account, corresponding deposit slips, and bank statements reflecting credit of substantial amounts into the personal account of the applicant. The pattern of deposits, frequency of transactions, and magnitude of transferred funds prima facie indicate diversion of company money into personal domain of the applicant.

7. The contention of defence that cheques were voluntarily issued for business expenditures is a matter which requires proof; however, at this stage the applicant has not been able to produce any contemporaneous record, ledger entries, vouchers, payment receipts, or authorization documents demonstrating that the impugned deposits were made towards legitimate company liabilities. No plausible explanation has been furnished regarding deposit of multiple high-value bearer cheques into personal account instead of disbursement to vendors or service providers.

8. The plea that no forensic audit has been conducted does not ipso facto negate the prima facie documentary trail available on record. Similarly, the argument regarding extra-judicial confession being inadmissible is of limited assistance at bail stage when independent banking documents exist connecting the applicant with alleged misappropriation.

9. It is settled law that in offences involving financial embezzlement and breach of fiduciary trust, gravity of allegation, magnitude of amount, and documentary linkage are relevant considerations while deciding pre-arrest bail. The material placed before the Court tentatively suggests misuse of entrusted financial instruments and dishonest conversion of company funds. The defence plea of mala fide or ulterior motive, in the circumstances, calls for deeper appreciation of evidence. At this stage, the record reflects existence of prima facie material requiring thorough investigation, particularly about financial trail, utilization of funds, and connected transactions, which exercise cannot be effectively undertaken while the applicant remains under protective cover of bail.

10. Pre-arrest bail is an extraordinary concession, to be exercised with caution and only in circumstances where mala fide, ulterior motive, or misuse of the criminal process is apparent from the record. In the present matter, no such element is discernible. Rather, the material available at this stage reflects serious financial allegations supported by documentary banking trail, the magnitude whereof runs into substantial amounts. The investigative process concerning movement of funds and identification of beneficiaries ought not to be impeded by continuation of protective relief.

11. Reliance in this regard is placed upon the judgment of the Honourable Supreme Court of Pakistan in ***Rana Muhammad Arshad v. The State (PLD 2009 SC 427)***, wherein it has been authoritatively held that:

- (a) Pre-arrest bail is an extraordinary relief, to be sparingly granted in exceptional circumstances to prevent abuse of the law;
- (b) It cannot serve as a substitute for post-arrest bail;
- (c) It cannot be granted unless the accused satisfies the conditions prescribed under Section 497(2) Cr.P.C., namely existence of reasonable grounds of innocence and necessity of further inquiry;
- (d) In addition, the accused must demonstrate mala fide intent behind his intended arrest, aiming to cause humiliation or disgrace;
- (e) Critically, the accused must not have committed any act disentitling him to relief, such as being a fugitive from justice;

- (f) The accused must first approach the Court of first instance unless justified otherwise.

In view of the above circumstances, the applicant has failed to make out a case for confirmation of pre-arrest bail. Consequently, the instant Criminal Bail Application is dismissed and the interim pre-arrest bail earlier granted vide order dated 11.10.2025 is hereby recalled.

12. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either side at trial.

13. These are the reasons for the short order dated 11.02.2026.

JUDGE

Nadeem