

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

Criminal Bail Application No.S-941 of 2021

Applicant : Muhammad Zaman @ Dhamali Son of Noor Muhammad Leghari, through Mr. Safdar Ali Charan, Advocate.

Respondent : The State through Mr. Muhammad Nazar Memon, Additional Prosecutor General, Sindh.

Date of hearing : **01.11.2021**

Date of Order : **01.11.2021**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his post-arrest bail in Crime No.144 of 2021, under sections 324, 353, 34 P.P.C, registered at P.S A-Section Dadu, after his bail plea was declined by the learned Additional Sessions Judge-I, MCTC Dadu vide order dated 02.10.2021.

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

3. Learned counsel for the applicant/accused mainly submits that applicant/accused is innocent has falsely been implicated in this case; that his name is appearing in the F.I.R but he has not participated in the crime as he was empty handed. He further contended that applicant/accused is in jail and he is no more required for further investigation. Lastly, he prayed for grant of bail to the applicant/accused.

4. On the other hand, learned Additional Prosecutor General, Sindh opposed for grant of bail to the applicant/accused.

5. I have heard learned counsel for the applicants as well as Additional Prosecutor General, Sindh and gone through the material available on record.

6. No doubt the name of the applicant/accused transpires in the F.I.R but he was shown to be present with empty handed. He has not participated in the commission of alleged incident and it is yet to be determined at trial whether section 324 P.P.C is applicable in this case or not whereas section 353 P.P.C is bailable. No purpose would be served to keep him in jail for indefinite period. At bail stage only tentative assessment is to be made. Learned counsel for the applicant/accused has pleaded false implication of the present applicant in this case which cannot be ruled out, therefore, a case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C is made

out, resultantly the instant bail application is allowed and the applicant/accused is admitted to 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 learned Trial Court.

7. 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.

*Muhammad Danish**

JUDGE