

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1700 of 2024

Applicant : Ali Akbar S/o Sawan
through Mr. Abdul Haleem, Advocate

Respondent : The State
through Mr. Muhammad Noonari, DPG

Date of hearing : 06.02.2025

Date of order : 06.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.450/2024 for the offence under Sections 322, 34 PPC registered at PS SSHIA, after his bail plea has been declined by the learned Additional Sessions Judge-I/MCTC, Malir Karachi vide order dated 08.05.2025.

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

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that allegation against the applicant is that he is the owner of the property where the incident took place but he applicant has no concerned with the alleged offence, as the applicant rented out the said property to one Muneer; that Muneer is the main accused who possessed the said property at the time of incident; that the main accused Muneer has already been granted bail by the trial Court, as such, the present applicant is also entitled for bail on the rule of consistency; that that the applicant is attending the Court and has not misused concession of bail and is no more required for further investigation. Lastly, he prays for confirmation of bail to the applicant.

4. On the other hand, learned DPG has vehemently opposed for grant of bail.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that on the day of incident viz. 04.04.2024 son of brother of the complainant went for bath in swimming pool located at the subject property where he drowned and subsequently died. The FIR was registered under Section 322 PPC which punishment provided by law is only Diyat. However, claim of the applicant is that he has given the said property on rent basis to one Muneer, who was running the said swimming pool at the time of incident and such fact can be confirmed from the record. Further, the said Muneer has also been granted bail by the trial Court; as such, the case of the present applicant is on better footing.

7. In view of the above, learned counsel for the applicant has made out case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 31.07.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

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/accused on merits.

JUDGE

Kamran/PA