

NAB - A Interim Post Arrest Bail on medical grounds i.e petitioner to return to jail after surgery

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**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. NO. D-4887 OF 2020**

Date	ORDER WITH SIGNATURE OF JUDGE
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Hearing of Case.

1. For orders on office objections.
2. For hearing of main case.

**26.10.2020.**

Mr. Noor Mohammad Dayo, Advocate for the Petitioner.

Mr. R.D. Kalhor, Special Prosecutor, NAB

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**Mohammed Karim Khan Agha J.** The petitioner (Muhammed Ibrahim) is facing trial before Accountability Court IV Karachi in respect of National Accountability Bureau (NAB) reference 23/2017 State V Abdul Latif Brohi and others where in effect he has been accused of being a beneficiary of land as a result of misuse of authority by other co-accused who were all in collusion and connivance with each other and which caused a loss to the exchequer. Thus, he has been charged with offenses of corruption and corrupt practices under S.9 of the National Accountability Ordinance (NAO)

2. The petitioner has applied for post arrest bail on medical grounds only and has relied upon a report of the Special Medical Board of the Aga Khan hospital dated 10.08.2020 (Medical Report) in respect of the same and has even agreed for the grant of interim post arrest bail for a period of 8 weeks so that his recommended surgery can be carried out and thereafter returned to jail.

3. On the other hand special prosecutor NAB has opposed the grant of post arrest bail on medical grounds.

4. We have heard the parties and considered the record.

5. The Medical Report has reached the following recommendations and conclusions:

**“Recommendations:**

1. We recommend that Mr. Ibrahim undergoes Coronary Artery Bypass Grafting (CABG) as soon as possible.
2. We recommend optimizing his medications i.e. changing the dose of bisoprolol to 7.5 mg one daily.

**Conclusion:**

We all have agreed on the following;

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1. Mr. Ibrahim is suffering from recurrent angina and moderate left ventricular systolic dysfunction secondary to severe coronary artery disease thus he is at risk of life-threatening heart rhythm problems (i.e. Ventricular arrhythmias).
2. Mr. Ibrahim needs CABG for his illness, we believe this surgery and rehabilitation following surgery is not possible inside jail premises hospital.
3. Mr. Ibrahim needs this surgery to be performed as soon as possible. If surgery is not performed it will likely affect his capacity and it could be hazardous to his life."

6. Keeping in view the above Recommendations and Conclusion of the medical board and the law on medical bail we hear by grant **interim** post arrest bail to the petitioner on medical grounds on the following terms and conditions;

- (a) Immediately upon release the petitioner shall be taken straight to Aga Khan Hospital or any other hospital of his choice within Pakistan where all necessary surgeries shall be performed within 7 to 10 days of his admission and
- (b) That the petitioner shall remain in the Aga Khan Hospital/or hospital of his choice for a period of up to 8 weeks after release from jail for his surgery for recovery purposes **and thereafter shall be returned to jail and**
- (c) All expenses payable to the Aga Khan Hospital/or hospital of his choice shall be paid by the petitioner and
- (d) That learned counsel for the petitioner shall represent him at trial so that no delay is caused in the trial due to his absence and
- (e) That the petitioner shall furnish solvent surety in the amount of RS 10 lacs and PR bond in the like amount to the satisfaction of the Nazir of this court and
- (f) That the petitioner's name shall be placed on the ECL by Secretary Ministry of Interior Government of Pakistan.

7. A copy of this order shall be sent by fax to Secretary Ministry of Interior Government of Pakistan, for compliance and accountability court No.IV for information.

8. The petition stands disposed of in the above terms however the office shall put up this petition in chamber on 29.12.2012 to ensure that the conditions of the interim post arrest bail have been complied with.