

## ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
LARKANA

Criminal Bail Appln. No. S-571 of 2023

Applicant Bakhat Ali s/o Sobdar Lashari,  
Through Mr. Mumtaz Ali Brohi,  
Advocate

Complainant Ali Hassan Solangi,  
Through Mr. Noor Ahmed  
Lashari, advocate

The State Mr. Aitbar Ali Bullo, D.P.G for  
the State

Date of hearing: 16-05-2024

Date of Order: 16-05-2024

**SHAMSUDDIN ABBASI, J.-** Through instant criminal bail application the applicant/accused Bakhat Ali s/o Sobdar Lashari, seeks post-arrest bail in Crime No. 47/2023, registered at Police Station Warah, for the offence U/S 302, 452, 34 P.P.C, after rejection of his bail plea by the learned trial court vide order dated 25.09.2023.

2. The facts of the prosecution case are that on 04.06.2023, the complainant Ali Hassan Solangi appeared at Police Station and lodged the F.I.R stating therein that on the day of incident viz. 23.05.2023 at 04-00 hours, the applicant/accused along with co-accused Ghulam Nabi Gadehi and two unknown accused persons threw the deceased Mst. Anum Khatoon and put her at the earth from the head side, resultantly she died.

3. Learned counsel for the applicant/accused has contended that applicant/accused is innocent and he has falsely implicated in this case due to malafide intention and ulterior motives; that co-accused Rajib Ali and Imran Ali were admitted on bail by the trial court vide order dated 16.08.2023 and the case of applicant is identical to the case of co-accused, who have been assigned the same role; that ocular version is not corroborated by the medical evidence as such post-mortem report reveals that cause of death could not determined; that his case requires further

inquiry in terms of Section 497 Cr.P.C. He has, therefore, prayed for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned Deputy Prosecutor General has recorded no objection for grant of post-arrest bail to the applicant/accused on the ground that medical evidence did not support the case of prosecution.

5. Learned counsel for the complainant has opposed for grant of post-arrest bail on the ground that that applicant is nominated in the F.I.R with specific role; that complainant party has persuaded this case before the medical board. He has prayed for dismissal of bail application.

6. Heard learned counsel for the applicant, learned Deputy Prosecutor General, learned counsel for the complainant and perused the material available on the record.

7. The allegation against the applicant/accused is that he along with three other co-accused put up her in their hands and threw the deceased Mst. Anum on earth from head side, resultantly she died at the spot. This ocular version is not corroborated by medical evidence. As per post mortem report no any fracture was found on the neck of deceased, therefore, cause of death could not determined. In absence of any medical evidence, the case of applicant requires further inquiry in terms of Section 497(2) Cr.P.C, therefore, the applicant/accused is admitted on post-arrest bail subject to furnishing his solvent furnishing solvent surety in the sum of Rs.300,000/- (Rupees three hundred thousand) and P.R bond in the like amount to the satisfaction of trial court.

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 either party at trial.

**J U D G E**

Abdul Salam/P.A