

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2245 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

16.01.2024.

Ms. Gul-e-Nazneen, Advocate for the applicant.
Mr. Malik Khushhal Khan, Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Yaqoob Ali Khan S/o. Ibrahim Ali Khan is being proceeded before the Judicial Magistrate Malir for an offence under section 39-A Electricity Act, 2013 r/w section 462 PPC pursuant to FIR No.1022/2023 registered at P.S. Sachal, Karachi. The applicant applied for pre-arrest bail before the Court of Additional Sessions Judge-IV Malir, Karachi which was declined vide order dated 20.09.2023, hence the applicant has approached this Court for pre-arrest bail.

2. The brief facts of the case are that the applicant is in default in payment of electricity dues amounting to approximately Rs.25,00,000/- and as such the aforesaid FIR was lodged against him.

3. I have heard learned counsel for the parties and perused the record.

4. The maximum sentence for the offence which the applicant has been charged is 03 years imprisonment and under such circumstances general rule is that bail should be granted unless some exceptional circumstances are made out to decline the bail. In this case there are no exceptional circumstances. The allegation against the applicant is simple that he is defaulter for electricity dues and as such the trial is proceeding against him. Furthermore, the evidence is documentary in nature and there is no chance of the applicant tampering with the same. The

investigation has also been completed and the applicant is no longer required for investigation. Also the applicant is not a habitual offender.

5. Keeping in view the above discussion, the pre-arrest bail earlier granted to the applicant Yaqoob Ali Khan S/o. Ibrahim Ali Khan is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

6. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif