

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.96 of 2024.

Date	Order with Signature of Judge
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For hearing of Bail Application.

15.03.2024.
Mr. Nehal Khan Lashari, Advocate for the Applicant.
Mr. Mumtaz Ali Shah, Asstt. Prosecutor General Sindh.

Muhammad Karim Khan Agha, J. Applicant has been booked in in Crime No.309 of 2023 u/s.381-A PPC registered at PS Sharifabad, Karachi. He applied for post arrest bail which was declined by the VIth Additional Sessions Judge (Central) Karachi vide order dated 24.11.2023. Hence the applicant has approached this Court for post-arrest bail.

2. Brief facts of the case are that on 13.10.2023 at about 0330 hours the complainant parked his motorcycle inside the parking area Al Azam Square, Sharifabad Karachi and when at about 1200 hours he came back after doing some personal work he found that his motorcycle was missing hence the aforesaid FIR was lodged against unknown persons.

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

4. The offence for which the applicant has been charged carries maximum sentence of 07 years in jail and in such likes cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case no exceptional circumstance exists. The motorbike has already been recovered and as such it cannot be disposed of. Applicant has already been in jail almost for five months and he is no longer required for investigation. There are 07 PWs in this case which is not likely to be examined in near future. There is no eye witness of theft of motorcycle.

5. Based on the above discussion I find that this is a case of further inquiry, I hereby admit the applicant **Danish s/o Noor Islam** to post arrest bail subject to furnishing his solvent surety in the

sum of Rs.1,00,000/- (Rupees One Lac Only) and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed to decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS