

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2261 of 2023

Date

Order with signature of Judges

For hearing of Bail Application

16.01.2024.

Mr. Abdul Nabi, Advocate along with Applicant.

Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Muhammad Ibrahim Paracha is facing trial in respect of FIR No.438 of 2023 under Section 489-F registered at PS Taimoria, Karachi. He applied for pre-arrest bail which was declined vide order dated 05.10.2023 by Additional Sessions Judge-Vth (Central) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the applicant had to pay to the complainant's company rupees fifteen million. Applicant issued a cheque of Rs.4,00,000/- to the complainant's company, however when the cheque was deposited in the account at Bank Al-Habib it was bounced hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the applicant and learned Addl. Prosecutor General Sindh.

4. Offence falls under Section 489-F PPC which carries maximum sentence of 03 years in jail and the general rule in such like cases bail should be granted unless exceptional circumstances exist. In this case learned Additional Prosecutor General, Sindh has not been able to point out any exceptional circumstances. The amount involved is relatively meager being around rupees Four lac (Rs.4,00,000/-). The case also revolves around documentary evidence as such there is no chance for the applicant to temper with the evidence. The applicant is also no longer needed for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted by this Court on 09.10.2023 is confirmed on the

same terms and conditions. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the same on merits within three (03) months of the date of this order. Copy of this order shall be sent to Vth Additional Sessions Judge (Central) Karachi for compliance.

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

JUDGE