

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Bail Application No.S- 508 of 2020
Cr. Bail Application No.S- 515 of 2020

DATED	ORDER WITH SIGNATURE OF JUDGE
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20.07.2020

Applicants Nisar Ali and Muhammad Siddique @ Mehran Ali are present on interim pre-arrest bail.

Mr. Manzoor Ahmed Panhwar, Advocate for applicant Nisar Ali in Cr.B.A.No.S-508/2020.

Mr. Altaf Hussain Zaur, Advocate for applicant Muhammad Siddique @ Mehran Ali in Cr.B.A.No.S-515/2020.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh for State.

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ZAFAR AHMED RAJPUT, J.- By this common order, I shall dispose of both the aforesaid criminal pre-arrest bail applications as the same arise out of one and same crime bearing No.37 of 2020, registered at P.S Mullakatiar for offence u/s 457, 380, 34 PPC. The earlier pre-arrest bail applications filed by the applicants bearing No.227 & 230 of 2020 were heard and rejected by the learned Sessions Judge, Tando Muhammad Khan vide order dated 05.06.2020 hence the instant criminal bail applications. The applicants were admitted to ad-interim pre-arrest bail by this Court vide orders dated 08.06.2020 and 09.06.2020, now they seek confirmation of their interim bail.

2. Briefly stated, facts of the prosecution case as disclosed in FIR by complainant Mst. Farzana are that she was posted as Head Mistress in Government Girls High School at Mullakatiar which was on account of COVID-19 and lockdown closed. It is alleged that on 30.05.2020 at about 10-00 a.m, the complainant alongwith JST Miss Ghazala, OT Teacher Miss Qamarunissa and Naib Qasid Ashraf Memon came to lookafter the School where they saw the lock of entrance gate of the School opened and the lock of computer lab broken. They found that out of 17 computers, 12 were missing so

also one printer and 09 Wall Fans, One stand Fan, one Iron Box of Sports Kit, one Dinner Set, one Echo Sound System. Complainant informed the incident to her superiors who asked them to enquire and follow the legal procedure. Later on, complainant came to know that Mehtab Mallah and Ghani Hajano had committed theft and said stolen property was sold by them to accused Nisar Memon, Mehran Bhutto, Aziz Mallah, Nisar Katiar and Jewan Meghwar.

3. After hearing the learned counsel for the applicants and A.P.G. for the State and perusing the material available on record with their assistance, it appears that during investigation, police recovered from accused Mehtab Ali son of Ali Nawaz by caste Mallah and Abdul Ghani son of Wali Muhammad by caste Hajano 03 white colour computer LCD of APPLE ONE company with 03 keyboards of black colour and 03 Mouse of same company, 03 black colour computer LCD of LENOVO company with 03 keyboard and 03 Mouse of same company. Whereas from accused Kanji alias Jewan Meghwar and absconding accused Nisar Memon police recovered 03 computer LCD alongwith keyboards of APPLE ONE company, 08 Wall Fans, one iron box of silver colour, one dinner set, one stand fan of green colour, five notes of Rs.100/- from accused Kanji alias Jewan total Rs.500/-. Whereas from arrested accused Aziz Mallah, they recovered one computer LCD of white colour with Keyboard and Mouse of APPLE ONE company, two black colour Wall fans of Royal company and from absconding accused Nisar Katiar they recovered two computer LCD of black colour alongwith two keyboards and two Mouse of LENOVO company. As such police incorporated in challan Section 411 PPC. It further appears that co-accused Kanji @ Jewan and Aziz Mallah, who are also facing the charge under section 411 PPC, have already been granted bail by the learned Sessions Court, Tando Muhammad Khan in Criminal Bail Application No.306 and 337 of 2020 vide order dated 03.07.2020 and 16.07.2020 respectively. The allegations against the present applicants / accused is that they received the stolen property from main accused and on same allegation co-accused Kanji @

Jewan and Aziz Mallah have already been granted bail. Hence on the rule of consistency the present applicants are also entitled for the same treatment. The applicants were admitted to ad-interim pre-arrest bail by this court on 08.06.2020 and 09.06.2020 respectively and since then they are attending the trial Court as well this Court regularly. Accordingly, the instant criminal bail applications are allowed and interim pre-arrest bail already granted to the applicants vide orders dated 08.06.2020 and 09.06.2020 respectively are hereby confirmed on same terms and conditions.

JUDGE

Tufail