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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 453 of 2017.

Date of hearing 20.10.2017.	Order with signature of Judge
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1. For orders on office objections.
2. For hearing of bail application.

Mr. Habibullah G. Ghouri, Advocate for applicants.  
Mrs. Rubina Dhamrah, ADPP.  
Complainant is present in person.  
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Heard learned counsel for applicants, learned ADPP as well as complainant. For reasons to be recorded later, the application stands allowed. Accordingly, applicants Abdul Fattah and Shamasuddin are granted bail upon their furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousand rupees) each and P.R bonds in the like amount to the satisfaction of trial Court.

  
JUDGE

Ansari/\*

51

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
1<sup>st</sup> Crl. Bail Application No. S- 453 of 2017

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Through instant bail application, the applicants seek post arrest bail in Crime No. 26 of 2017 registered at Police Station Dodapur (Jacobabad) for offence under section 364, 511, 337-A(i), 337-F(i), PPC. Earlier, their bail plea was declined by learned Additional Sessions Judge-I, Jacobabad vide his order dated 16.09.2017.

2. The crux of prosecution case as unfolded by complainant Mst. Sambal Khatoon in her F.I.R on 29.08.2017 is that about five months back she has contracted marriage with one Mehboob Ali in accordance with Mohammadan Law where upon Abdul Fatah and others were annoyed and declared that they will kill Mehboob Ali. On the day of incident i.e. 28.08.2017 early in the morning complainant along with her husband Mehboob Ali went to meet her father in village Chandia Malgani. At about 6.30 p.m. when they were available in the house of her father, suddenly accused persons namely, Abdul Fatah, Shamsuddin with lathis, Irshad, Abdul Razak and Kamran armed with TT pistols came there. Out of them, accused Irshad and Kamran pointed their weapons upon complainant party, accused Shamsuddin pointed his lathi while accused Abdul Fatah and Abdul Razak dragged the complainant till door of the house and in the meanwhile husband and mother of the complainant intervened whereupon accused

Abdul Fatah and Shamsuddin caused lathi blows to them. Due hue and cry, villagers came running. The accused persons seeing the villagers coming, left the complainant and flee away from the place of offence. The complainant approached the Police Station, got first aid and after getting treatment lodged the report in terms stated above.

3. Learned counsel for the applicant submits that the applicant has been implicated in this case due to enmity which is itself admitted in the F.I.R. He submits that there is delay of one day in lodging of the F.I.R which has not been plausibly explained by the complainant though the distance between place of incident and the police station is 6/7 kilometers which can be easily covered within half an hour. He further contends that the injuries on the person of injured are simple and superficial but the same are not attributed against both the applicants hence he prayed for confirmation of bail to the applicants.

4. Learned APG for the State has conceded to the arguments raised by learned counsel for applicants and recorded no objection to the confirmation of bail.

5. I have heard learned counsel for the applicants learned APG as well as gone through the material available on record. Admittedly there is delay of one day in lodgment of the FIR without any plausible explanation though the distance in between place of occurrence and police station is 6/7 kilometers which can be covered within half an hour hence the complainant had ample time for consultation and premeditation before lodging the FIR against the applicants. Perusal of the record also reveals that the allegation against the applicant Shamsuddin is that he was merely present at the place of

occurrence with lathi while applicant Abdul Fatah is alleged to have attempted to abduct the alleged abductee Mst. Sambal Khatoon. The vicarious liability can be determined after recording of evidence at trial. The alleged injuries are also not attributed against both the applicants. In such circumstances false implication of the applicants cannot be ruled out. The parties are over inimical terms due to matrimonial affairs.

6. Considering all the aspects of case and nature of injury on the person of injured, *prima facie* a case of bail is made out. By my short order dated 20.10.2017 I admitted the applicants to bail subject to their furnishing surety in the sum of Rs.50,000/- each and P.R bond in the like amount to the satisfaction of the trial Court and these are the reasons of the same.

Abid H. Qazi/\*\*

Judge

20.10.17