

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Criminal Bail Application No. 765 of 2024**  
*(Ghulam Ishaque Magsi v. The State)*

Date	Order with signature of Judges
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For hearing of bail application

**14.05.2024**

Mr. Khalid Hussain Khoso, advocate for the applicant  
Complainant in person  
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State  
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The facts, in brief, necessary for the disposal of the instant bail application are that a truck containing 110 wheat bags was secured by the police. On inquiry, Muhammad Abid and Banda Bakhsh who were arrested at the spot disclosed that the wheat bags they had stolen from the government godown Malir at the instance of one Asif Ali. The applicant was found to be in charge of the said godown; consequently, the FIR of the present case was registered at the instance of complainant Altaf Ali with PS Shah Latif Town.

The applicant having been refused bail by learned VIIIth-Additional Sessions Judge, Malir, Karachi, has sought the same from this Court by making the instant bail application under section 498 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant due to official rivalry and he on investigation has been let off by the police, therefore, he is entitled to be admitted to pre-arrest bail on the point of further inquiry and malafide.

Learned Assistant Prosecutor General for the State who is assisted by the complainant has opposed to grant of the pre-arrest bail to the applicant by contending that the offence which he allegedly has committed is affecting society at large.

Heard arguments and perused the record.

None indeed has seen the applicant committing the alleged theft; his involvement in commission of the incident is based only for the reason that he was in charge of the godown from where the wheat bags were allegedly stolen. On physical verification, no shortage of wheat bags is noticed in the subject godown. The applicant has also been found to be innocent by the police for want of evidence. The case has finally been challaned and there is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicant. In these circumstances, a case for grant of pre-arrest bail to the applicant on the point of further inquiry and malafide is made out.

Under given circumstances, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E