

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS.

Criminal Bail Application No.S-251 of 2025

Applicant : Akhtar Ali s/o Manak Rind through Mr. Hadi Bux Zardari, advocate.

Respondent : The State through Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Complainant : Khan Muhammad Khaskheli (called absent)

Date of hearing : 08.10.2025.

Date of Order : 08.10.2025.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Akhtar Ali seeks post-arrest bail in Crime No.16/2025, registered at Police Station Shahdadpur for the offence under section 395 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge, Shahdadpur vide order dated 21.03.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. As per the case of prosecution the allegation against the applicant is that, he was arrested along with co-accused persons namely Moula Bux and Shahid Ali and 13 goats were recovered from their possession, so also one pistol was recovered from the possession of the applicant/accused.

4. Learned counsel for the applicant/accused has contended that the applicant/accused is innocent and has been falsely implicated in this case with mala fide intention. He further argued that the FIR was lodged after an unexplained delay of seven days, which casts serious doubt on the veracity of the allegations. It is further argued that the applicant/accused was

not nominated in the FIR, and his name was subsequently disclosed by the complainant in his supplementary statement recorded under Section 162, Cr.P.C., after a delay of three days, with mala fide intention. Learned counsel further submitted that the complainant has not disclosed the source of information regarding the alleged involvement of the applicant/accused. He also contended that the prosecution witnesses are closely related to the complainant and, therefore, interested witnesses. Learned counsel added that the applicant/accused is presently confined in jail and is no longer required for further investigation, hence he prays for the grant of bail.

5. On the other hand, the learned Deputy Prosecutor General has vehemently opposed the grant of post-arrest bail to the applicant/accused and argued that at the time of his arrest, the alleged robbed goats were recovered from his possession. He further contended that the applicant/accused is not entitled to the concession of bail and prayed for dismissal of the bail application.

6. Heard and perused the record.

7. From the perusal of record, it appears that the name of applicant does not transpire in the FIR; however, it has been come on record that the applicant/accused was arrested along with co-accused persons namely Moula Bux and Shahid Ali and 13 goats were recovered from their possession, so also one pistol was recovered from the possession of the applicant/accused. Moreover, PWs in their 161 Cr.P.C statement fully supported to the version of the complainant.

8. The offence with which the applicant is charged clearly falls within the prohibitory clause of Section 497, Cr.P.C. No mala fides or ill-will on the part of the complainant party has been alleged by the applicant.

9. At the bail stage, only a tentative assessment of the material available on record is to be made. Prima facie, sufficient

incriminating material exists to connect the applicant with the commission of the alleged offence.

10. In view of the above and as the learned counsel for the applicant has failed to make out a case for the grant of bail under Subsection (2) of Section 497, Cr.P.C., the post-arrest bail application filed by the applicant/accused is hereby dismissed. However, the learned trial Court is further directed to expedite the proceedings and conclude the trial preferably within sixty (60) days, and to submit a compliance report through the Additional Registrar of this Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Adnan Ashraf Nizamani