

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

Cr. Bail Application No.S-689 of 2017.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
<u>20.09.2017.</u>	<p style="text-align: center;">For hearing.</p> <p>Mr. Imamuddin Otho, Advocate alongwith applicants. Syed Meeral Shah Bukhari, Addl: P.G. None present for the complainant.</p> <p style="text-align: center;">===</p> <p><u><i>ABDUL MAALIK GADDI,J-</i></u> The applicants/accused are present on interim pre-arrest bail granted to them by this Court vide order dated 21.08.2017. Today this bail application is fixed for confirmation or otherwise.</p> <p>3. The brief facts of the prosecution case as narrated in the F.I.R. lodged on 4.8.2017 at 1545 hours by complainant Naveed Ahmed are that he has showroom of Rickshaw and motorcycles and on 25.5.2017 he closed the showroom. On next morning, he found the roof of his shop was broken and Rs.14,00,000/- was missing from the almirah. He came to know that above named accused alongwith accused Waqar Pathan have committed the theft.</p> <p>4. It is stated by the learned counsel for applicants that case against the applicants/accused is false and has been registered due to enmity, besides according to him, the F.I.R. is delay about two months and 9 days, for which, no satisfactory explanation has been furnished, as such, according to him, false implication of the applicants/accused in this case cannot be ruled out. He further submits that there is no eye-witness of the incident and the complainant came to know through another person that these applicants have committed theft in his showroom. He further submits that in the challan sheet, SIP Khadim Hussain of P.S. Kotri has stated that complainant party informed him during investigation that theft amount was Rs.20,000/ was made, but an amount of Rs.14,00,000/- was wrongly mentioned in the F.I.R. just to strengthen his case.</p>

5. Learned Addl: P.G. for the State in view of the above facts has recorded no objection if the interim pre-arrest bail already extended in favour of the applicants is confirmed.

6. I have heard the parties' advocates and perused the record.

7. Admittedly, the F.I.R. is delay by about 2 months and 9 days, for which absolutely no explanation has been furnished, therefore, on this ground alone false implication of the applicants in this case cannot be ruled out. It also appears from the record that in F.I.R, it is stated by complainant that applicants have committed theft of Rs.14,00,000/-, but in the challan sheet and further statement of the complainant before the investigation officer that the theft was committed by the applicants of Rs.20,000/- instead of Rs.14,00,000/- as mentioned in the F.I.R. There is contradictions in between the amount of theft as alleged in the F.I.R. as well as in the challan sheet, thus, this is a case of further inquiry. Learned Addl. P.G. has recorded no objection, if interim bail already extended in favour of the applicants is confirmed on the same terms and conditions.

8. In view of above, I have come to the conclusion that applicants have made out a case for confirmation of bail. Resultantly, I allow this bail application and confirm the interim order already extended in favour of the applicants/accused on the same terms and conditions with direction to the applicants to appear before the trial Court and face the trial.

9. Before parting with this order, I would like to make it clear that the observations made herein above are tentative in nature and shall not affect the merits of the case. Office is directed to communicate a copy of this order to the trial Court for information and compliance.

These bail applications stand disposed of in the above terms.

JUDGE.