

**IN THE HIGH COURT OF SINDH, BENCH**  
**HYDERABAD**

**Cr. Bail application No.S-1113 of 2017**

Applicant: Gul Muhammad Keerio s/o Hassan Ali  
Through Mr. Ishrat Ali Lohar Advocate

The State: Through Miss. Sana Memon  
Additional Prosecutor General.

Date of hearing: 26.06.2018.

Date of order: 26.06.2018.

**ORDER**

**AMJAD ALI SAHITO, J.-** Through instant bail application, the applicant who has been booked in crime No.17 of 2017 registered at P.S.Anti Corruption Establishment Matiari for offence punishable U/s 409 420 467, 489, 471, 471-A, 34 PPC read with section 5(2) Act-II 1947, seeks post arrest bail after rejection of bail application by learned Special Judge Anti Corruption (Provincial) Hyderabad vide order dated 08.12.2017.

2- Precisely the prosecution case is that applicant Gul Muhammad Keerio being Secretary of Union Counsel Bau Khan Pathan alias Palejani during his tenure did not maintain the record, he misappropriated the amount of U.C fund and such report was sent by the present Secretary Muhammad Rahim.

3- Learned counsel for the applicant mainly contended that applicant/accused is innocent and has falsely been involved in this case; that there is delay of about eight

years in lodgement of the FIR; that no specific date and time of the alleged offence is mentioned in the FIR; that quantum of the misappropriated amount is not disclosed in the FIR therefore allegations of prosecution case are baseless; that offence does not fall within the prohibitory clause; that there is general allegations against applicant/accused. He lastly prayed for grant of bail to applicant/accused.

4- Learned APG while opposing the grant of bail to the applicant/accused submitted that applicant/accused has caused financial loss to the Government exchequer by misappropriating the money. She further urged that during investigation sufficient material has come on record prima facie to connect the applicant/accused with the commission of alleged offence and frequently grant of bail in such cases will adversely affect the Government fiscal so also will give license to the corrupt official to repeat the offence. She lastly prayed for dismissal of instant bail application.

5- Perusal of record reflects that no specific date and time of the alleged offence is mentioned in the FIR. Allegedly the applicant/accused did not maintain the record of union Council Bau Khan Pathan during his tenure and misappropriated the funds, but the

investigation officer has failed to disclose the quantum of misappropriated amount or the period during which such offence was committed. During the course of investigation the statements of Syed Zee Hashim Taqvi and Muhammad Raheem Noohpoto, Secretary and Ex-Secretary of UC Bau Khan Pathan Taluka Matiari respectively were recorded who in their respective statements have not alleged that applicant/ accused has misappropriated the UC Funds nor any documentary evidence is brought on record to show that any fund was collected and misappropriated by the applicant/accused. Another aspect of the case is that during the course of investigation, the investigating agency failed to record the statements of complainants/villagers of Union Council Bauy Khan Pathan who did not appear before the police despite issuance of repeated notices. The applicability of section 409 PPC to the case of applicant could be determined by trial court after recording evidence. The documentary evidence on which the case was based already having been collected by the prosecution, the same was not likely to be tampered with by the accused. The accused in another similar case has been granted bail by this court.

7- In view of above prima facie the applicant/accused has succeeded to make out a case for grant of post arrest bail, therefore, instant bail application is allowed and

applicant/accused is granted bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and PR Bond in the like amount to the satisfaction of trial court.

8- Needless to mention here that the observations made herein above are tentative in nature and shall not affect the merits of the case at the trial.

**J U D G E**

A.Rasheed/Steno