

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Bail Application No.15 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application

**01.02.2019**

Mr. Mehmood Ahmed Khan, advocate a/w applicant  
Mst. Murriyan Imran.  
Ms. Rahat Ahsan, Addl.P.G. Sindh.

The applicant through the instant bail application seeks bail before arrest in **FIR No.11/2018**, under **Sections 409/380/411/34 R/w.5(2)-Act-2, 1947** registered at police station ACE Karachi, after failing to obtain ad-interim pre-arrest bail confirmed from the Court of Special Judge Anti-Corruption (Provincial), Karachi, applicant preferred this pre-arrest bail application. By order dated **03.01.2019** without touching the merits and demerits of the case, the applicant was admitted to interim pre-arrest bail subject to furnishing solvent surety in the sum of Rs.1,00,000/- and P.R bond in the like amount to the satisfaction of the Nazir of this Court..

2. Brief facts of the prosecution case as disclosed in the FIR are that Muhammad Rizwan was running scrap shop and arrested u/s.54 Cr.P.C on 17.5.2018 at 1100 hours by Landhi police as 2500 KG Govt. books, to be provided to the students at free of cost, were recovered from his shop, therefore, an FIR No.147/2018 on 18.5.2018 was lodged at Landhi P.S by the applicant and after four days on similar facts under instruction of Deputy Director of ACE, South Zone, Karachi against the same accused Rizwan and Headmisress of Baldia School No.3.

3. From the record, I have noted:-

- i. The applicant / accused is not nominated in **FIR No.11/2018** registered on 22.05.2018 for an offence allegedly took place on 17.5.2018 at 11:00 hours.
- ii. The record shows that applicant / accused before lodging FIR No.11/2018 has already lodged FIR of theft of the same property from the same premises which was not under her control at P.S Landhi bearing FIR No.147/2018.
- iii. The applicant has been mentioned in column No.2 of the challan on the ground of statements of accused persons.
- iv. The accused nominated in FIR are already on bail and one of the nominated accused was granted bail before arrest.

4. Therefore, there is every likelihood that she has been implicated in the challan by some other government officials, who could be responsible for the theft of the books. She is therefore, entitle for bail before arrest, therefore, interim pre-arrest bail granted on **03.01.2018** is confirmed on same terms and condition.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants/accused on merits.

JUDGE

SM