

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

**Criminal Bail Application No.S- 352 of 2019.**

Ali Muhammad Thebo ----- Applicant.

Vs.

The State ----- Respondent

Date of Decision: 24.06.2019

Mr. Samiullah Rind, advocate for applicant.

Ms. Safa Hisbani, A.P.G.

\*\*\*\*\*

**ORDER**

**IRSHAD ALI SHAH, J:** - It is alleged that the applicant with rest of culprit issued a fake appointment order in favour of one Muhammad Waseem as a junior clerk in Local Government Badin against payment, same was found to be fake for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Special Judge Anti-Corruption (Provincial) Hyderabad has sought for the same from this court by way of instant bail application u/S 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant, there is delay of about six years in lodgment of FIR, the

offence is not falling within prohibitory clause of Section 497 Cr.P.C. and the applicant has nothing to do with issuance of fake appointment order and he is in custody since eight months. By contending so, he sought for post arrest bail for the applicant on point of further inquiry.

4. Learned A.P.G. for the State has opposed to the grant of pre-arrest bail to the applicant by contending that he has committed the offence which is falling within exceptional clause while Muhammad Waseem being aggrieved person by filing his affidavit has recorded no objection to the grant of bail to the applicant.

5. I have considered the above arguments and perused the record.

6. The appointments in public sector are to be made after due advertisement of the post. In the instant matter no post was advertised. In that situation the appointment of Muhammad Waseem as a junior clerk other than merit against payment by the applicant or someone else is appearing to be significant. Be that as it may, the FIR of the incident has been lodged with a delay of about six years, it has not been explained plausibly as such same could not be overlooked. The offence is not falling within prohibitory clause of Section 497(2) Cr.P.C. The applicant is in custody since eight months. Muhammad Waseem being aggrieved person too has recorded no objection to the grant of bail to the applicant by filing his affidavit. In that situation it is rightly being contended by learned counsel for the applicant that the applicant is entitled to grant of post arrest bail on point of further inquiry.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing surety in the sum of Rs.1,00,000/- and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of in above terms.

**JUDGE**

Irfan Ali