

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

Criminal Bail Application No.S-1076 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

22.12.2020

M/s. Altaf Sachal Awan and Khair Muhammad Bajeer, Advocates for the applicants.

Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for State.

Mr.Kewal Kumar, Advocate for the complainant.

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Irshad Ali Shah J.- It is alleged that the applicants in furtherance of their common intention committed murder of deceased Dodo by causing him hatchets blows, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned Additional Sessions Judge-I, Tharparkar at Mithi have sought for the same from this Court by way of instant application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy with them their old enmity; the FIR has been lodged with delay of about one month and it was a road accident case for that a separate F.I.R has already been recorded by the police on behalf of State. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide.

4. Learned Assistant Prosecutor General, Sindh for the State has recorded no objection no objection to grant of pre-arrest bail to the applicant while learned counsel for the complainant has objected to grant of pre-arrest bail to the applicants

by contending that they have actively participated in commission of incident by causing hatchets blows to the deceased.

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

6. On account of death of the deceased as a result of road accident an F.I.R being Crime No.91 of 2020 under sections 320 and 270 P.P.C has already been recorded by police on behalf of State, it was recommended to be cancelled by police under 'C' Class yet its cognizance has been taken by the learned Magistrate having jurisdiction. Such taking of cognizance could not be overlooked. The registration of the subsequent F.I.R by complainant Nihal by making allegation against the applicants for committing murder of his father Dodo is with delay of about one month. Such delay having not been explained plausibly could not be overlooked. Post-mortem report contains a note that death of the deceased has occurred due to road traffic accident. Parties are said to be disputed and applicants have joined the trial. In these circumstances, a case for grant of bail to the applicants on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*