

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1222 of 2020

Applicant : Muhammad Ali Sabri S/o Muhammad Ayub Sabri
Through Dr. Shahnawaz Memon,
Advocate

Complainant : Mst. Afsheen Anees W/o Ameer Zareen
Present in person.

Respondent : The State
Through Mr. Talib Ali Memon, Assitant
Prosecutor General, Sindh

Date of hearing : 07.09.2020

Date of order : 07.09.2020

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, the applicant/accused seeks post-arrest bail in Crime No.135/2020 registered under Sections 354/506-B/452/337A(i)/504/34 PPC, section 342 amended in charge sheet, at PS Clifton, Karachi, after his bail plea has been declined by the Xth Additional Sessions Judge, Karachi South vide order dated 06.08.2020.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused submits that applicant/accused is innocent and has falsely been implicated in this case; that all sections areailable except section 506-B which is yet to be determined at the time of trial; that the complainant has filed an affidavit in which she has stated that due to interference of naikmard, one Zain Noor undertakes that he will be responsible for maintenance of Mst. Afsheen Anees, present complainant; that as per undertaking, complainant Afsheen Noor shall also be given

her due share in accordance with Sharia. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned APG has vehemently opposed for grant of bail to the applicant/accused.

5. I have heard the learned counsel for the parties and perused the material available on record. Complainant Mst. Afsheen Anees states that in the name of Allah Almighty, she has pardoned the applicant/accused in order to maintain the cordinal relationship between the parties, as such, she has given no objection, if applicant/accused is granted bail. From perusal of record, it appears that all sections areailable except section 506-B PPC which is yet to be determined at the time of trial whether the applicant/accused has issued the threats to the complainant or not. Further, an affidavit filed by the complainant also confirms that she has raised no objection, if applicant/accused is enlarged on bail.

6. In view of the above, learned counsel for the applicant/accused has succeeded to make out a case for further inquiry as envisaged under section 497 (2) Cr.P.C. Consequently, the instant bail application is allowed. Applicant/accused named above is enlarged on post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court.

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

JUDGE

Kamran/PA