

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**  
Criminal Bail Application No.S-974 of 2020

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For hearing of main case.

01.03.2021.

Mr. Ali Khan Leghari, Advocate for applicant.

Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that the applicant with the rest of the culprits took away Mubeen Ali and then committed his death by way of maltreatment, for that the FIR of present case was registered.

2. The applicant on having been refused post arrest bail by learned Model Criminal Trial Court-II/Vth Additional Sessions Judge, Hyderabad, has sought for the same from this court by way of making instant application under section 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; the FIR of the incident has been lodged with delay of about four days; co-accused Abdul Wahab alias Zunair has already been admitted to bail by this Court, therefore, the applicant is entitled to be released on bail on point of further inquiry and consistency.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that his role is distinguishable to co-accused Abdul Wahab alias Zunair and on arrest from him has been secured the belongings of the deceased.

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

6. The name of the applicant is not appearing in FIR though it is lodged with delay of about four days, which appears to be surprising. None indeed has seen the applicant committing the death of the deceased. The involvement of the applicant on the basis of last seen evidence through PW Deedar by way of identification is appearing to be doubtful. Be that as it may, co-accused Abdul Wahab alias Zunair with utmost similar role has already been admitted to bail. In these circumstances, the applicant could hardly be denied concession of bail on the basis of recovery of belongings of the deceased which are alleged to be foistation.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.200,000/- and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

**JUDGE**

Ahmed/Pa,