ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr.B.A.No.S-1175 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case.

<u>05.12.2019</u>.

Mr. Muhammad Yaseen M. Khaskheli, advocate along with applicants.

Ms. Sana Memon, A.P.G for the State.
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Irshad Ali Shah J;- It is alleged that the applicants were found in possession of gutka / mainpuri an injurious / poisonous substance intending to spread infection / disease likely to be dangerous / poisonous to human lives, for that he was booked and reported upon by the police.

2. The applicants on having been refused pre arrest bail by learned 2nd Additional Sessions Judge, Sanghar have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicanta that the applicants being innocent have been involved in this case falsely by the police without any lawful justification and malafidely. By contending so, he sought for pre-arrest bail for the applicant on bail on point of further enquiry and malafide.

4.   Learned A.P.G. for the State has opposed to grant of pre arrest bail to the applicants by contending that the offence which he has committed is affecting the society at large.

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

6.   All the penal sections applied in case are bailable, except one under section 337-J PPC, its applicability requires determination at trial, there is no independent witness to the incident, the case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants as all the witnesses are police personals. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further enquiry and malafide is obviously 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

Ahmed/Pa