

**ORDER SHEET  
HIGH COURT OF SINDH, KARACHI**

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Cr. Revision No.164 of 2019

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.  
Mr. Justice Abdul Maalik Gaddi.**

Muhammad Abdul Rauf Siddiqui .....Applicant

V/s

The State.....Respondent

**23.12.2019**

Applicant is present with his counsel Mr.Muhammad Farooque, Advocate.

Mr.Sajid Mehmood Shaikh, Advocate for the Complainant.

Ms.Seema Zaidi, Deputy Prosecutor General.

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**Muhammad Ali Mazhar, J:** The facts of the case are that vide order dated 1.11.2016 the applicant was granted bail subject to furnishing solvent surety in the sum of Rs.5,00,000/- with personal bond in the like amount to the satisfaction of the trial court. He was directed to deposit his original passport in the trial court with further directions that he will not leave the country without permission of the trial court.

2. Earlier the same applicant moved application (M.A. No.151/2018) in Criminal Bail Application No.1144/2016 with the prayer to modify/alter the order passed by same Bench to the extent of depositing of original passport in the trial court, however, the application was disposed of with the directions that if the applicant wants to travel he may move proper application in the trial court which will be decided by the trial court with independent application of mind, after notice to the complainant and the prosecution within 15 days' time. On this observation the applicant moved application in Anti-Terrorism Court No.II, Karachi in Spl. Case No.AJ-284 of 2015 for return of his passport. In paragraph 11 of the order the learned trial court has also referred to the other accused

persons such as Dr.Asim Hussain, Abdul Qadir Patel, Anees Qaimkhani and Waseem Akhter, that all were allowed to leave the country on furnishing surety of Rs.20 lacs and their passports were returned. In the concluding paragraph the learned trial court imposed same condition on the applicant for furnishing surety in the sum of Rs.20 lacs, if he wants to leave the country. Learned counsel for the applicant argued that the trial court insisted to deposit cash security, whereas in the order we have not found any such condition except the condition of furnishing surety in the sum of Rs.20 lacs, so that the passport of the applicant may returned back to him for traveling abroad.

3. Learned counsel for the applicant agrees to furnish surety by depositing the documents of moveable or immovable property equivalent to the amount of Rs.20 lacs. Learned counsel for the complainant argued that this is discretion of the court either to maintain the surety amount or its reduction. He further argued that there is no such condition mentioned in the order of trial court to furnish surety in cash except solvent surety. The learned D.P.G. also made the same arguments that in the order only Rs.20 lacs is mentioned and the applicant was not called upon to furnish surety in cash.

4. As a result of above discussion, we are also of the view that there is no word 'cash' is mentioned in the order. The applicant is ready to deposit solvent surety equivalent to the amount of Rs.20 lacs as ordered by the learned trial court. Let solvent surety be furnished to the satisfaction of the learned trial court, thereafter, necessary permission may be granted to the applicant. The criminal revision application is disposed of.

Judge

Judge