

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

Cr.Bail.Appl.No.S- 1119 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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10.01.2020.

Mr. Naseer A. Narejo, Advocate for applicant.

Ms. Rameshan Oad, A.P.G. for the State.

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Having remained unsuccessful in obtaining his release on bail from the trial court in Crime No.21 of 2019 registered u/s 462, 379, 427 PPC at P.S Khanoth District Jamshoro. Now the applicant Tarique Ali s/o Abdul Majeed is seeking his release on bail through instant bail application in the said crime.

2. The allegation against applicant / accused is that on 19.05.2019 he alongwith other co-accused damaged the electric transformer by getting it falling on earth and committed theft of electric plates from that transformer.

3. Arguments heard. Record perused.

4. It appears from the record that alleged incident took place on 19.05.2019 whereas the same was registered on 22.05.2019 by complainant SDO/NTDC namely Waseem Raja after the delay of three days for which no satisfactory explanation has been furnished.

5. As mentioned above admittedly, there is delay of three days in registration of FIR. Alleged incident is unseen one. Complainant stated in FIR that he came to know that the present applicant alongwith other co-accused have committed theft of electric instruments. Co-accused Abbas Ali, Multan @ Tayab, Ehsan Ali and Chano @ Chanesar have already been granted bail by the trial court almost on same facts. Besides, the case has been challaned and the present applicant / accused is no more required for investigation. The

punishment of the offences under which the present applicant / accused has been arrested do not fall within the prohibitory clause of Section 497 Cr.P.C. No exceptional circumstances appear in the case to withhold the concession of bail to the applicant / accused. Moreover, learned A.P.G. has also halfheartedly opposed the bail application.

6. In view of above discussion, I am of the considered view that applicant has successfully made out a good prima facie case for his release on post arrest bail and his case is purely covered by subsection (2) to Section 497 Cr.P.C. Consequently, instant bail application is hereby allowed and the applicant is granted bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand) and P.R. Bond in the like amount to the satisfaction of learned trial court.

7. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial. It is made clear that in case if during trial, applicant / accused misuses the concession of bail, the trial court would be competent to cancel his bail without making any reference to this court.

JUDGE

Tufail/PA