

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

Cr.Bail.Appl.No.S- 201 of 2021
Cr.Bail.Appl.No.S- 205 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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05.04.2021.

Applicants are present on interim pre-arrest bail.

Mr. Hasnain Nizamanai, Advocate for applicant Ali Hyder in Criminal Bail Application No.S-201 of 2021.

Mr. Ghulam Shabir Mari, Advocate for applicant Ahsan Ali in Criminal Bail Application No.S-205 of 2021.

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

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Applicants / accused Ali Hyder and Ahsan Ali by separate bail applications seek pre-arrest bail in Crime No.05/2021 registered at P.S Mangli for offences u/s 379, 149, 506(2), 109 PPC.

2. It is contended that co-accused Rab Nawaz has been granted bail by the learned 1st Additional Sessions Judge / MCTC, Sanghar vide its order dated 01.02.2021 and the case of applicants / accused is identical. It is further submitted that in case on technical grounds the applicants are refused the concession of pre-arrest bail, again they will be granted bail on the ground of rule of consistency.

3. Learned D.P.G. recorded his no objection for confirmation of bail to the applicants / accused on the ground of rule of consistency.

4. It appears that co-accused Rab Nawaz in the same case / crime has been granted post arrest bail by the learned 1st Additional Sessions Judge / MCTC, Sanghar vide its order dated 01.02.2021 mainly for the following reasons:-

“6. Heard the arguments and perused the record, which reveals that as per prosecution story, allegations against applicant / accused are that he issued threats of dire-consequences so also murder. According to prosecution case, co-accused Hadi Bux was apprehended by complainant party on the spot and who on inquiry disclosed before them that the applicant / accused was also involved in receiving and selling the stolen batteries and wires, in the meanwhile applicant / accused also reached at the place of

incident and issued threats of dire-consequences and murder but it is astonishing to note that and no action was taken by Security Officer and others (complainant party) against the applicant / accused as he was empty handed rather than they left apprehended accused which requires further inquiry. Furthermore, no recovery of any weapon through which he extended threats of murder and dire consequences and stolen property have been made so far. It is settled principle of law at bail stage only tentative assessment is made, therefore, the material available on record is not sufficient to tentatively connect the applicant / accused with the commission of alleged offence.

7. In view of above discussions, the interim pre-arrest bail of applicant / accused is hereby confirmed on the same terms and conditions. The applicant / accused is directed to attend the trial court regularly without fail.”

5. Bail granted to co-accused Rab Nawaz by trial court has not been challenged. Case of the applicants / accused is more or less identical. Serious malafide on the part of police and complainant has been alleged. No useful purpose will be served to reject the pre-arrest bail of the applicants, then to grant them bail after arrest, therefore, pre-arrest bail is confirmed on the rule of consistency, reliance is placed upon the case of MANZOOR AHMED and others v. STATE (PLJ 1999 Cr.C.(Lahore) 570 (D.B).

6. For the above stated reasons, the concession of interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions.

7. Both the bail applications are accordingly disposed of.

JUDGE