

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

Criminal Bail Application No.S-487 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.

19.07.2021.

Mr. Manzoor Ali Leghari, Advocate along-with the applicant.

Ms. Sana Memon, A.P.G for State.

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Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprit purchased 10 motorcycles from complainant Aamir Khan by practicing fraud but failed to make full payment whereof to the complainant and then threatened him and his witnesses of murder when they went him to have his money back from him, for that the present case was registered.

2. The applicant, on having been refused pre-arrest bail by learned Additional Sessions Judge-I, Dadu, has sought for the same from this Court by way of instant bail application u/s: 498 Cr.PC.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant in order to satisfy his dispute with him over settlement of Accounts on sell of motorcycles; the F.I.R has been lodged with delay of about 01 day and offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C, therefore, the applicant is entitled to grant of pre-arrest bail on bail on point of further inquiry and malafide.

4. Learned A.P.G for the State has opposed to grant of pre-arrest bail to the applicant on bail by contending that he has deprived the complainant of his money by practicing fraud.

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

6. The F.I.R of the incident has been lodged with delay of about 01 day; such delay having not been explained plausibly could not be overlooked. All the penal sections applied in the F.I.R; are bailable except one section 506(2) P.P.C, which is not falling within prohibitory clause of section 497 (2) Cr.P.C. Parties are disputed over settlement of Accounts on sell of motorcycles. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further inquiry and malafide is made out.

7. In view of above, interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

J U D G E

Muhammad Danish Steno*