

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

Criminal Bail Application No.S-289 of 2022

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

29.04.2022

Barrister Taha Rehman Jatoi, Advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mr. Ayaz Ali Gopang, Advocate for the complainant.

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Irshad Ali Shah J.- It is alleged that complainant Shahbaz provided a sum of Rs.1,79,00000/- to the applicant for supply of mobile phones which he failed to supply to the complainant thereby deprived the complainant of his hard earned money fraudulently by committing criminal breach of trust, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Civil Judge & Judicial Magistrate-I Nawabshah and 1st Additional Sessions Judge, Nawabshah has sought for the same from this Court by way of instant application u/s 497 Cr.PC.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant; the F.I.R of the incident has been lodged with delay of about 10 months and offence alleged against the applicant is not falling within prohibitory clause of Section 497 Cr.PC. By contending so, he sought for release of the applicant on bail on point of further enquiry. In support of his contentions, he relied upon *Shahid Imran Vs. The State and others [2011 SCMR 1614]*.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that the applicant has committed financial death of the complainant by practicing fraud with him.

5. Heard arguments and perused the record.

6. The FIR of the incident been lodged with delay of about 10 months; such delay having not been explained plausibly could not be overlooked. The offence alleged against the applicant is not falling within prohibitory clause. The case has been challaned finally and there is no apprehension of tampering with the evidence on the part of applicant. In these circumstances, the guilt of the applicant obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.200,000/- and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant criminal bail application is disposed of accordingly.

JUDGE

Muhammad Danish*

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Heard. For the reasons to follow, instant bail application is allowed and the applicant is admitted to bail subject to furnishing surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of learned Trial Court.

JUDGE

Muhammad Danish*