

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

Criminal Bail Application No.S-528 of 2022

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

27.05.2022

Mr. Muhammad Yaseen M. Khaskheli, Advocate for the applicants.
Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J:- The facts in brief necessary for disposal of instant bail application are that Mst. Hakeeman by leaving her house, joined one Khadim Hussain Shah, she came back to her house and then was killed by the applicants by way of electric shok and then they buried her dead body, in order to cause disappearance of evidence to save themselves from legal consequences. SIP Ahmed Khaskheli of P.S Nauabad District Sanghar, on coming to know of the above incident lodged the F.I.R on behalf of the State.

2. The applicants on having been refused post-arrest bail by learned Additional Sessions Judge-I, Tando Adam have sought for the same from this Court by making instant bail application u/s: 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police on the basis of their confessional statements, which have been obtained by police after putting them under duress and Mst. Ameena, Rahim Bux and Allah Rakhio, who happened to be mother, father and uncle of the deceased by filing their affidavits have recorded their no objection to grant of bail to the applicants. By contending so, he sought release of the applicants on bail. In support of his contention, he relied upon case of *Hubdar Ali Shah Vs. The State [1994 PCr. L J 2139]*.

4. Learned A.P.G for the State, who is assisted by the complainant has opposed to release of the applicants on bail by contending that they have

committed murder of an innocent lady by way of election shok and then have attempted to cause disappearance of the evidence by burying her dead body only to save themselves from legal consequences.

5. Heard arguments and perused the record.

6. None indeed has seen the applicants committing the alleged incident. The F.I.R of the incident has been lodged by SIP Ahmed Khaskheli on behalf of State that too with delay of 13 days. Cause of death of the deceased as per opinion of special medical board could not be ascertained due to advanced stage of decomposition. Only evidence which connect the applicants with the commission of incident is their alleged confessional statements, those are said to have been obtained by the police after putting them under duress. Be that as it may, the mother, father and uncle of the deceased now by filing their affidavits have recorded no objection to grant of bail to the applicants. The case has finally be challaned and there is no apprehension of tampering with the evidence on the part of the applicants. In these circumstances, a case for release of the applicants on bail obviously is made out.

7. In view of above, the applicants are admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- each and P.R bonds in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*