

**HIGH COURT OF SINDH, CIRCUIT COURT
AT HYDERABAD**

**Cr. Bail Application No.S-1282 of 2022
[Syed Sajid Hussain versus The State]**

Date	Order with signature of Judge
Applicant :	Through Mr. Altaf Sachal Awan advocate
State :	Through Ms. Safa Hisbani APG a/w IO Zeeshan
Date of hearing:	30.01.2023
Date of decision:	30.01.2023

KAUSAR SULTANA HUSSAIN J.- Through this bail application, applicant seeks post-arrest bail in Crime No.GO-01/2022 registered at P.S ACE Jamshoro for offences punishable 406, 409, 467, 468 & 34 PPC read with Section 5(2) of Prevention of Corruption Act-II of 1947. Same plea was raised by him before the learned trial Court, but it was rejected vide Order dated 07.09.2022.

2. The allegation against the present applicant/accused, per prosecution case, is that he alongwith co-accused had committed misappropriation of funds on account of fake medical bills and accordingly caused huge loss to public exchequer.

3. Learned counsel for the applicant/accused contends that applicant/accused is not nominated in FIR and his name was inserted in challan during investigation; however, he is pressing this bail application only on medical grounds, as applicant/accused was operated Spinal Card Surgery and is in serious condition, hence requires special medical treatment/care. He prayed that applicant/accused may be admitted to bail keeping in view his severe health condition.

4. On the other hand learned APG opposed the bail application and submitted that applicant/accused alongwith co-accused had caused huge loss to public exchequer. She further submits that as far as medical ground is concerned, applicant/accused is being treated inside the jail. She prayed for dismissal of bail application.

5. I have heard the learned counsel for the parties and have also perused the material available on record.

6. Since the counsel for applicant/accused has pressed this bail application on medical ground only, therefore, in order to appreciate this ground I have gone

through the medical report of applicant/accused, which is also reproduced under para-7 of the Order dated 07.09.2022 passed by learned trial Court. The report shows that two times cervical surgery of the applicant/accused has been done but there is no improvement. As such keeping him inside the jail under such situation will be hazardous for his life.

7. Keeping in view the detrimental health condition of applicant/accused, he is admitted to post-arrest bail in subject crime, upon his furnishing a solvent surety in the sum of Rs.10,00,000/- (Rupees One Million) and a P.R. Bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that observations made hereinabove are tentative in nature and the same may not prejudice the case of either party at trial. However, learned trial Court is directed to expedite the trial and conclude it within a period of three months from the date of receipt of this Order. It is also made clear that if at any stage applicant/accused misuses the concession of bail, the learned trial Court shall be competent to take action against him in accordance with law, without making reference to this Court.

9. Instant bail applications stand disposed of accordingly.

JUDGE

Sajjad Ali Jessar