

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S- 08 of 2023

(Masroor alias Guloo Abro v. The State)

For the Applicant : Applicant Masroor alias Guloo Abro
through Mr. Manzoor Hussain Narejo,
Advocate.

For the State : Syed Sardar Ali Shah, Additional P.G.

Date(s) of Hearing : 03-02-2023

Date of Order : 03-02-2023

ORDER

Zafar Ahmed Rajput, J. - Having been rejected his earlier Crl. Pre-Arrest Bail Application No.2561 of 2022 by learned Additional Sessions Judge-IV, Khairpur vide order dated 26.12.2022, the applicant through instant Crl. Bail Application seeks the same relief from this Court in Crime No. 142 of 2022, registered at P.S, Tando Masti Khan, under Sections 354, 364-A and 511 PPC. He was admitted to interim pre-arrest bail by this Court vide order dated 04.01.2023, now the matter is fixed for confirmation of the same or otherwise.

2. Brief facts of the prosecution case, as narrated in the aforesaid FIR lodged by complainant Muhammad Khan son of Karim Bux Jakhar on 31.10.2022, are that his daughter Asima Jakhar, aged about 9/10 years, was coming from her school on 29.10.2022 at 1400 hours, she reached near the house of Imdad Memon where complainant and his nephews Javed Ahmed and Mohsin Ali noticed presence of accused Abdul Raheem and Masroor alias Guloo (present applicant), both armed with pistols and riding on motorcycle, they started to outrage her modesty and tried to kidnap her, who raised cries

which attracted complainant and his nephews, on that accused persons ran away.

3. Heard learned counsel for the parties and perused the material available on record. It is an admitted position that the FIR is delayed by two days and no plausible explanation has been furnished by the complainant for such delay. Co-accused Abdul Raheem has already been admitted to post-arrest bail by trial Court vide order dated 24.11.2022 in Crl. Bail Application No.801 of 2022, who was allegedly arrested along with pistol and the allegation against the present applicant is similar to that of said co-accused; hence, he is entitled for the pre-arrest bail on the rule of consistency. Furthermore, Challan has been submitted, hence no purpose would be served in case the applicant is kept behind the bars. It is also an admitted position that after grant of interim pre-arrest bail by this Court, the applicant has not misused such concession and he is attending the trial Court regularly.

4. In view of the above, interim pre-arrest bail earlier granted to the applicant by this Court, vide order dated 04.01.2023, is hereby confirmed on same terms and conditions.

5. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits and if the applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel the same after issuing him the requisite notice.

The instant Crl. Bail Application stands **allowed** in above terms.

Ahmad

JUDGE