

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-573 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>05.09.2022</u>	For orders on office objection. For hearing of main case.
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Mr. Shahnawaz Brohi advocate for the applicant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Amjad Ali Sahito, J: - Through instant bail application, the applicant / accused namely, Muhammad Sharif seeks pre-arrest bail in Crime No.283 / 2021 for the offence under section 468, 420, 470, 471, 472 PPC registered at PS Tando Adam City, District Sanghar. Earlier bail plea of the applicant / accused has been turned down by learned Additional Sessions Judge-I / Tando Adam vide order dated 31.01.2022.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly argued that the applicant / accused is innocent and has falsely been implicated in this case with *mala fide* intention; that the FIR is delayed for about nine days without plausible explanation. Per learned counsel, the applicant the applicant has filed application for C.D.R. as he was not present at the place of incident. He further contended that the role is assigned against co-accused Sajid Dahri and there is no role assigned upon the applicant / accused. Learned counsel further contended that this is a fit case for further inquiry, as such, he prayed for confirmation of interim pre-arrest bail already granted to the applicant / accused.

4. On the other hand, learned Assistant Prosecutor General Sindh has vehemently opposed and stated that the applicant / accused is not entitled for concession of bail.

5. Heard and perused the record. The case of prosecution is that the accused contacted with the complainant and demanded the documents that he will get job for Suhail Ahmed nephew of the complainant in the

Sessions court Hyderabad and on 02.11.2021 the applicant / accused and co-accused came to the complainant that they will get job as Junior Clerk in the Sessions Court Hyderabad in lieu of Rs.7,50,000/-, as such, the complainant in presence of witnesses paid an amount of Rs.7,50,000/- to the accused. On 27.11.2021, applicant / accused and co-accused handed over an Offer Order dated 27.11.2021 of Junior Clerk BPS-11 of Sessions Court, Hyderabad issued with the purported signature of District & Sessions Judge, Hyderabad. On 29.11.2021 when the complainant and his nephew went for joining duty by Suhail Ahmed along with said order, the Court staff informed that the said order is not entered in record, which is fake one. The prosecution witnesses in their statements under section 161 Cr.P.C. have supported the version of the complainant. The applicant / accused has been specifically nominated in the FIR. The delay in lodgment of the FIR has properly been explained by the complainant. No enmity, ill will or *mala fide* has been brought on the record to believe that the accused has been booked in this case falsely. Accordingly, learned counsel for the applicant / accused has failed to make out a case for grant of bail, therefore, the instant criminal bail application is **dismissed** and the interim pre-arrest bail already granted to the applicant / accused vide order dated 09.05.2022 is hereby recalled.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant / accused on merits.

JUDGE