

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1804 of 2020

Date Order with signature of Judge

For hearing of bail application:

21-1-2021

Mr. Muhammad Hanif, Advocate for applicant.
M/s. Muhammad Ilyas & Nabeel Kolachi, Advocates for complainant.
Mr. Abrar Ali Khichi, Addl.P.G.

Omar Sial, J: Ghulam Mustafa alias Motoo alias Qurban has sought post arrest bail in crime no. 319 of 2009 registered u/s 365-A and 102 P.P.C. at the Dadu Police Station. Earlier, his application seeking bail was dismissed on 20-10-2020 by the Learned Anti-Terrorism Court No. 1 at Karachi.

2. Background to the case is that on 14-7-2009 Aun Amar lodged the above mentioned FIR in which he narrated that his father Dr. Rafiq Ahmed Kolachi was a civil surgeon in Civil Hospital, Dadu and would come to visit his village every Sunday. On 12-7-2009 Dr. Kolachi set off from the hospital to his village but did not reach. Contacting the doctor on his telephone numbers was also futile. The complainant kept searching for his father but in vain.

3. We have heard the learned counsels for the applicant as well as complainant and the learned Addl.P.G. Our observations are as follow:

4. The learned counsel for the applicant has argued that the applicant is not named in the FIR; there is a delay of lodging the FIR; that the co-accused in this case, namely Qurban, Muhammad Rafiq and Akbar have been granted bail earlier and hence his client is also entitled to the same concession on the ground of consistency. On the contrary, learned Addl. P.G. submitted that Dr. Kolachi and his driver were kidnapped for ransom and that they paid Rs. 1.6 million after which they were released by the accused people.

5. We are not satisfied with the grounds raised by the Learned Counsel for the Applicant as Dr. Kolachi, one of the abductees in this case, has identified the Applicant as being one of his kidnappers. As regards the argument that the

Applicant is entitled to bail on the ground of consistency we note that the three co-accused Zameer, Qurban and Sonu were granted bail, however, all three jumped bail, became fugitives and it appears that all three have been declared proclaimed offenders. No enmity, malice or ill will has been attributed to Dr. Kolachi for falsely involving the applicant in this crime and the applicant has remained a fugitive from law for a several years. The conduct of the applicant reflects a negative light on him.

6. In view of the above, the bail application stands dismissed.