

# **IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Bail Application No.S-1361 of 2022

Applicants: Kamran Ali and Dhani Buksh both sons of Ghulam Nabi Khoso, through Mrs. Razia Ali Zaman Patoli, Advocate.

Respondent: The State through Ms. Rameshan, Assistant Prosecutor General, Sindh.

Date of hearing: **17.04.2023**

Date of Order: **17.04.2023**

## **O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant criminal bail application, the applicants above named seek their post-arrest bail in Crime No.18 of 2022, under sections 395, 506/2 and 337-L(ii) P.P.C, registered at P.S Lakhat, after their bail plea was declined by the learned 5<sup>th</sup> Additional Sessions Judge / Model Criminal Trial Court, Shaheed Benazirabad vide order dated 17.11.2022.

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

3. Per learned counsel the applicants / accused are innocent have falsely been implicated due to previous enmity. In support of her contention, she has filed statement along-with number of FIRs which shows that the complainant party has lodged FIR against accused persons in collusion with police. She further contended that the police at the instance of complainant implicated the applicant / accused Dhani Bux otherwise nothing was recovered from his possession but complainant party handed over motorcycle and shown recovery of this case. She also added that name of fifth accused namely Dhani Bux is not mentioned in the FIR and the complainant party already known to each other hence false implication of applicants cannot be ruled out. She lastly prayed for grant of bail to the applicants / accused.

4. On the other hand, Assistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicants and submits that robbed motorcycle as recovered from applicant Nabi Bux.

5. I have heard learned counsel for the respective parties and gone through the material available on the record.

6. Admittedly, from face of FIR it appears that previously there is enmity between the parties, as such, false implication of the applicants cannot be ruled out. Further, learned counsel for applicants filed a statement containing number of FIRs which shows that the complainant has lodged FIR against all family members. As far as the contention raised by learned APG robbed motorcycle has been recovered in the instant case from applicant Dhani Bux is concerned, suffice to say that the parties are known to each other but his name was not mentioned in the FIR but subsequently recovery has been shown. It is yet to be seen when evidence will be recorded whether the recovery has been foisted upon applicant Dhani Bux or actually it was recovered from his possession. The applicants / accused are in jail their custody is no more required for further investigation, as such, no purpose would be served to keep them in prison for indefinite period. In such circumstances, the learned counsel for the applicants/accused has made out a case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicants/accused are admitted to post-arrest bail

subject to their furnishing solvent surety in the sum of Rs.50,000/- each and P.R. bond in the like amount to the satisfaction of learned Trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not influence the learned Trial Court while deciding the case of either party at trial.

*Muhammad Danish\**

JUDGE