

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

Criminal Bail Application No.S-133 of 2023

Criminal Bail Application No.S-218 of 2023

Applicant: Babar Khan Son of Din Muhammad through Mr. Muhammad Shafique Khan, Advocate.

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

Date of hearing: **06.04.2023**

Date of Order: **06.04.2023**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant criminal bail application, the applicant above named seeks his post-arrest bail in Crime No.132 of 2022, under sections 302, 376 and 34 P.P.C, registered at P.S Sanghar while in challan one more section 506/2 P.P.C has also been added. Earlier the bail plea of the applicant was declined by the learned Additional Sessions Judge, Khipro vide order dated 14.01.2023.

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. Learned counsel the applicant / accused submits that applicant / accused is innocent has falsely been implicated in this case; that the FIR is delayed about 24 hours; that the CCTV footages were not collected by the police officer; that co-accused has been granted bail, as such, present applicant is entitled for concession of bail.

4. On the other hand, learned Assistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant / accused.

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

6. Perusal of record reflects that the name of the applicant Asghar Ali is appeared in the FIR with role that he has left the dead body of deceased in a cultus car along-with co-accused. Furthermore the confessional statement of co-accused Muhammad Umar was recorded wherein he has disclosed that deceased Aneela used to visit the quarter of applicant / accused Asghar Ali and he used to commit zina with her; thereafter there was dispute between the parties and fighting had taken place, as such, accused Asghar Ali by throttling the neck of the deceased with the wire hence she was expired. He further added that thereafter a drama was staged and shown that she has committed suicide. During investigation police also recovered the wire and towel from the quarter of applicant / accused Asghar Ali under the memo of recovery. Further, after arrest of the accused his statement recorded under section 161 Cr.P.C wherein he also stated that he used to commit zina with deceased Aneela. The offence in which the accused is charged punishable upto death. At bail stage only tentative assessment is to be made. Sufficient material is available on the record which connects the applicant/accused with the alleged offence, as such, the applicant has failed to make out a case for grant of bail in view of sub-section (2) of

section 497 Cr.P.C; resultantly instant bail application is dismissed. However, the learned Trial Court is directed to proceed with the case on day to day basis and conclude the same preferably within three (03) months and submit such compliance report to this Court through its Additional Registrar.

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