

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-15 of 2023

Criminal Bail Application No.S-16 of 2023

Applicants: Mehboob Ali Son of Muhammad Ayoub through Mr. Asif Ali Solangi, Advocate.

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

Date of hearing: **27.03.2023**

Date of Order: **27.03.2023**

O R D E R

AMJAD ALI SAHITO, J:- Through this single order, the captioned criminal bail applications are being disposed of wherein the applicant / accused is the same person seeking his post-arrest bail in both Crime No.50 of 2022 registered under section 395 P.P.C and in Crime No.65 of 2022 registered under section 23(i) A Sindh Arms Act, 2023 at P.S Nooriabad, after his bail plea was declined by the learned Additional Sessions Judge-II, Kotri vide order dated 31.10.2022.

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 complainant only mentioned cash amount of Rs.200,000.00 but he did not disclose the serial numbers of the currency notes, therefore, mere recovery of cash amount does not show that it was the same property alleged to have been robbed from the complainant while the pistol was foisted upon him to strengthen the case; that the FIR is silent regarding the name of the applicant / accused and no specific role has been assigned against him in the commission of alleged offence; that alleged recovered amount was not confronted to the complainant before any competent Magistrate to substantiate his version, therefore, the alleged recovery is not sufficient to connect the applicant in commission of the alleged offence. He lastly prayed for grant of bail to the applicant.

4. On the other hand, learned Assistant Prosecutor General, Sindh vehemently opposed the 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. Though the name of the applicant is not transpired in the FIR however on his arrest cash amount of Rs.150,000.00 and an unlicensed pistol along-with bullets were recovered from his possession which is enough to involve him in the commission of the offence as the said amount is huge one which cannot easily be arranged by complainant Dileep Kumar of the main case to falsely implicate the innocent one. There are reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and the punishment provided for section 395 P.P.C falls within the prohibitory clause of section 497 Cr.P.C. Further, at the time of arrest police recovered pistol from the applicant which was unlicensed. At the bail stage, only a 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 applications are 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 a such compliance report to this Court through its Additional Registrar. In case, the learned Trial Court failed to comply with the above direction, then the applicant would be at liberty to file a fresh bail application before the 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