

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-111 of 2023

Applicants: Munir Ahmed son of Mushtaque Ahmed Memon and Muhammad Khan son of Faiz Muhammad Thamore, through Mr. Mir Muhammad Jamali, Advocate.

Complainant: Sikandar Ali son of Muhammad Umar is present in person.

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

Date of hearing: **20.03.2023**
Date of Order: **20.03.2023**

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.445 of 2022, under sections 436, 381 and 34 P.P.C, registered at P.S Badin, after their bail plea was declined by the learned Sessions Judge, Badin vide order dated 09.12.2022.

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. Learned counsel for the applicants submits that due to intervention of Nekkards of the locality the parties have settled their dispute outside the Court on the basis of undertaking that the loss sustained by complainant will be borne by the accused party. Complainant Sikandar Ali son of Muhammad Umar is present in person confirms the above position by stating that brothers and father of the accused are assured to him that they are ready to pay an amount of Rs.3,600,000.00 in respect of loss sustained by the complainant. He lastly prayed for grant of bail.

4. Learned Assistant Prosecutor General, Sindh also raised her no objection.

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

6. Since the parties have settled their differences outside the Court whereupon the complainant raised his no objection for grant of bail to the applicants. Further, the case has been challaned and the custody of applicants are no more required so no purpose would be served to keep them in jail 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.100,000/- each and P.R. bonds 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.

JUDGE