

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

Criminal Bail Application No.S-86 of 2023

Applicant: Riaz Muhammad @ Riaz Ahmed son of Atta Muhammad, through Mr. Hadi Bux Zardari, Advocate.

Complainant: Muhammad Aaqil son of Muhammad Ameen is present in person.

Respondent: The State through Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General, Sindh along-with ASI Mansoor Ali Thebo Investigating Officer of the case.

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 applicant/accused above named seeks his pre-arrest bail in Crime No.01 of 2023, under sections 457, 380 and 34 P.P.C, registered at P.S Dehi, after his bail plea was declined by the learned Sessions Judge Badin, vide order dated 24.01.2023.

2. The facts and particulars are already mentioned in the F.I.R. as well as memo of bail application hence not need to reproduce the same hereunder.

3. Per learned counsel though the name of applicant is transpired in the FIR but the allegation leveled against him is false one. He further contended that complainant Muhammad Aaqil was previously posted in Zong Company at Thatta where he had also committed criminal offences, as such, he was ousted out from the said Zong Company again he was appointed in Zong Company and he once again started the criminal offences and subsequently he has involved the present applicant/accused along-with co-accused in this case. Lastly, he pleaded malafide on the part of complainant by contending that due to ulterior motives this F.I.R has been lodged against the applicant. Finally, he prayed for confirmation of interim pre-arrest bail.

4. Investigating Officer present in Court and submits that except allegation he has not collected any evidence against the present applicant / accused.

5. Complainant Muhammad Aaqil present in Court and confirms the fact that he was previously working in Zong Company and subsequently he was ousted from there.

6. Learned Assistant Prosecutor General, Sindh vehemently opposed the confirmation of bail.

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

8. Admittedly, the allegation leveled against the applicant is general in nature. It appears that previously the complainant of present crime was working in Zong Company and he has admitted before the Court that he was thrown out by the said company on the basis of committing criminal offences by hm. The applicant / accused has joined the investigation and he is no more requires for further probe. The offence in which the applicant is charged does not fall within the prohibitory clause of section 497 Cr.P.C. The applicant / accused also pleaded malafide on the part of complainant and police to have falsely implicated him in this crime.

There is no allegation of misusing concession of interim pre-arrest bail by the applicant as he is attending the Trial Court regularly. At bail stage only tentative assessment is to be made, therefore, learned counsel for the applicant is made out a case for confirmation of interim pre-arrest bail. Resultantly bail application is allowed and ad-interim pre-arrest bail earlier granted to the applicant vide order dated 30.01.2023 is confirmed on the same terms and conditions.

**9.** Needless to mention here that the observations made hereinabove are tentative in nature would not prejudice the case of either party at trial.

*Muhammad Danish\**

JUDGE