

**HIGH COURT OF SINDH, CIRCUIT COURT
AT HYDERABAD**

**Cr. Bail Application No.S-489 of 2023
[Raja versus The State]**

Date	Order with signature of Judge
Applicant :	Through Mr. Muhammad Iqbal Qassar advocate
Complainant:	In person
State :	Through Ms. Sana Memon Assistant P.G Sindh
Date of hearing:	12.06.2023
Date of decision:	12.06.2023

MUHAMMAD KARIM KHAN AGHA J.- Applicant Raja is being tried by the Court of IInd Additional Sessions Judge Badin in Crime No.43 of 2023 registered at P.S Badin under Sections 324, 455, 337-A(i), 337-F(i), 504, 114, 148 and 149 PPC. He had applied for post arrest bail before the concerned trial Court, however, same was declined vide Order dated 09.05.2023, hence he has approached this Court for post-arrest bail.

2. Brief facts of the case are that on account of a family dispute nine (09) persons, out of them five (05) are named in FIR which includes applicant and four are unknown persons, entered into the house of Complainant, whereby accused Arab Khaskheli instigated the remaining eight (08) accused persons to kill the Complainant; on the instigation of accused Arab Khaskheli all the accused persons, named in FIR and unknown person, attacked the Complainant and others with various weapons, which caused them injuries hence FIR was lodged against accused named in the FIR, who were arrested.

3. I have heard the learned counsel for the applicant, learned APG and Complainant. Record reflects that applicant Raja has been given specific role of causing lathi blow at the head of Hassan @ Mehdi Hassan, however, it appears that a similarly placed co-accused namely Latif S/o Arab Khaskheli, who is also named in the FIR and has been assigned role of causing hatchet below at the head of Hassan @ Mehdi Hassan, has been granted bail by this Court vide Order dated 15.05.2023. Since the role of applicant and co-accused Latif is almost identical, as mentioned in the FIR, therefore, the case of applicant falls within the rule of consistency. As such the applicant is admitted to bail subject to furnishing solvent

surety in the sum of Rs.2,00,000/- and P.R Bond in the like amount to the satisfaction of learned trial Court.

4. Needless to mention here that observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

5. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar