

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S-198 of 2023
(*Hakeem Maitlo Vs. The State*)

For hearing of Bail Application

23-10-2023.

Mr. Waqar Ali Phulpoto associate of Mr. Abdul Hafeez Phulpoto, advocate for the applicant/accused.

Syed Jaffer Ali Shah, advocate for the complainant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State

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Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Attaullah by causing him injuries with some hard and blunt substance and then buried his dead body in their house in order to cause disappearance of evidence, for that the present case was registered.

2. The applicant on having been refused bail by learned IVth Additional Sessions Judge Khairpur; has sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case by the complainant party and FIR of the incident has been lodged with delay of about 07 months; therefore, the applicant is entitled to be released on bail on point of further inquiry, which is opposed by learned DPG for the State and learned counsel for the complainant by contending that on arrest from the applicant has been secured *Danda*, which he allegedly used in commission of incident.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about 07 months, such delay has not explained plausibly could not be overlooked. It is the case of last seen evidence; otherwise none has seen

the applicant committing the actual death of the deceased. The dead body of the deceased has been recovered on pointation of co-accused Ilim Din. The *Danda* allegedly used by the applicant in commission of the incident is said to have been foisted upon him by the police at the instance of complainant party; the case has finally been challaned and there is no likelihood of absconsion or tempering with the evidence on the part of the applicant. In these circumstance; a case for release of the applicant on bail, on point of further inquiry obviously is made out.

7. In view of above the applicant is admitted to bail subject to their furnishing solvent surety in sum of Rs.200,000/- (two lacs) and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

Judge