

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-841 of 2023

(Azam Maitlo Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 7147/2023
3. For hearing of Bail Application.

**12-12-2023.**

Mr. Muhammad Ali Mughal, advocate for the applicant.  
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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**Irshad Ali Shah, J.:** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution of its common object by making trespass into house of complainant Gul Muhammad, caused butt and lathi blows to him and PW Ghulam Muhammad, for that the present case was registered.

2. On having been refused bail by learned IIIrd Additional Sessions Judge, Khairpur, the applicant has sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on account of its previous grudge; therefore, he is entitled to be admitted to pre-arrest bail, which is opposed by learned APG for the State by contending that he has actively participated in commission of incident by causing butt blows to PW Gul Muhammad on his face.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay for more than three months; such delay having not been explained plausibly could not be overlooked; the offence alleged against the applicant is not falling within the prohibitory clause; the case has finally been challaned, the applicant has joined

the trial and there is no allegation of misusing the concession of interim pre-arrest bail on his part. Co-accused Mushtaque and four others have already been admitted to bail by learned trial Court. In these circumstances a case for grant of pre-arrest bail in favour of the applicant on point of further inquiry and malafide obviously is made out.

6. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on the same terms and conditions.

7. The instant bail application is disposed of accordingly.

Judge