

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 844 of 2023

(*Rabnawaz Korai Vs. The State*)

Crl. Bail Application No.S-840 of 2023

(*Sajjad Ali Korai Vs. The State*)

1. For Orders on office objection.
2. For Orders on MA No. 7141/2023 (Ex./A)
3. For hearing of Bail Application

22-01-2024.

M/s Mehfooz Ahmed Awan and Abdul Majeed Mirbahar,
advocates for the applicants.

Complainant Ali Gul Korai is present.

Mr. Shafi Muhammad Mahar, DPG PG for the State.

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It is alleged that the applicants with rest of the culprits in furtherance of their common intention committed murder of Wasim Ali by causing him injuries with some hard blunt substance, for that the present case was registered.

The applicants on having been refused post-arrest bail by learned Ist Additional Sessions Judge, Mirpur Mathelo have sought for the same from this Court by way of instant bail applications under section 497 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant in order to satisfy his enmity with them; the FIR has been lodged with delay of about 15 days and very case at one moment was disposed of by the police under "B" class; therefore the applicants are entitled to be released on bail on point of further inquiry, which is opposed by learned DPG for the State and the complainant in person by contending that the applicants and others have committed the death of the deceased in very clever manner.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about 15 days that too after having recourse u/s 22 A/B Cr. P.C, such delay could not be over looked. The complainant is not an eye witness to the incident. As per postmortem report the death of the deceased was result of road traffic incident. On investigation at one moment, the very case was recommended by the police to be disposed of by the police under "B" class. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants. In these circumstances a case for release of the applicants on bail on point of further inquiry obviously is made out.

In view of above the applicants are admitted to bail subject to furnishing solvent surety in sum of Rs.200,000/- (Two lac) each and P.R bond in the like amount to the satisfaction of learned trial Court.

The instant bail applications are disposed of accordingly together with listed application.

Judge

Nasim/P.A