

ORDER-SHEET  
**IN THE HIGH COURT OF SINDH CIRCUIT  
COURT HYDERABAD**

Criminal Bail Application No.S-750 of 2023

**11.09.2023**

Mr. Chetan S.Kella, advocate, for applicants.

Applicants are present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant Arbab Ali present in person.

**ORDER**

**ZULFIQAR ALI SANGI, J:-** This order will dispose of instant bail application filed on behalf of the applicants namely, Ahmed s/o Allahuddino Mallah and Sadam s/o Ahmed Mallah, seeking their pre-arrest bail, who are facing trial in Crime No.62/2023 of PS Pangrio, District Badin, registered under sections 379, 511, 34 PPC.

**2.** Background of the case is that on 29.05.2023, the complainant was informed by his Hari that applicants and co-accused Mumtaz attempted to commit theft of gross.

**3.** Learned counsel for the applicants has contended that the applicants/accused are innocent and have falsely been implicated in this case due to enmity on the land; that the applicants are not concerned with the alleged offence; that the incident is stated to have taken at night and it was not possible to identify the culprits in darkness and identification on torch light is doubtful; that FIR is delayed by 17 ½ hours though place of incident is situated at about 8/9 kilometres to police station; that all the PWs are interested and relative of complainant, therefore, there is no likelihood of tampering with the prosecution evidence if their interim pre-arrest bail is confirmed; that the applicants after grant of interim pre-arrest bail have not misused the concession of bail. Learned counsel for the applicants further contended that the

alleged offence does not fall within prohibitory clause of section 497 (1) Cr.P.C. He, therefore, prayed for confirmation of interim pre-arrest bail already granted to the applicants.

**4.** On the other hand, complainant present in person has raised no objection for confirmation of bail to the applicants. Learned A.P.G. Sindh has also not opposed the confirmation of bail.

**5.** Since the offence does not fall within the prohibitory clause of section 497 (1) Cr.P.C. and the complainant has recorded his no objection for confirmation of the bail to the applicants, therefore, this application is allowed. Consequently, interim pre-arrest granted to the applicants vide order dated 19.07.2023 is hereby confirmed on the same terms and conditions.

**6.** The observations made hereinabove are tentative in nature and will not prejudice the case of either party.

JUDGE