

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-493 of 2022

(Raza Muhammad & others Vs. The State)

1. For Orders on office objection.
2. For hearing of Bail Application

16-10-2023.

Mr. Shabbir Ali Bozdar, advocate for applicants.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.
Complainant present in person.

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Irshad Ali Shah, J;- It is alleged that the applicants after having formed an unlawful assembly in prosecution of their common object not only maltreated complainant party but robbed them of their belongings, for that the present case was registered. The applicants were admitted to pre arrest bail, such concession was recalled by learned IInd Additional Sessions Judge, Ghotki on filing of an application 497 (5) Cr.P.C by the complainant. It is in these circumstances; the applicants have sought for pre arrest bail from this Court by way of instant bail application under Section 498-A Cr.P.C.

3. Heard arguments and perused the record.
4. The FIR of the incident has been lodged with delay of about 2 months; such delay having not been explained plausibly could not be over looked. The parties were having grudge with each other over frequency of tape recorder. Section 395 PPC has been applied to the case by learned trial Magistrate of his own. The case has finally been challaned and there is no apprehension of absconsion or tempering with the evidence on the part of the applicants. In these circumstances a case for grant of pre-arrest bail in favour of the applicant is made out on point of malafide.
5. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on the same terms and conditions.
6. The instant bail application is disposed of accordingly.

Judge

Nasim/P.A.