

Order Sheet

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-952 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
<u>25.09.2023</u>	For orders on office objection. For hearing of main case. Mr. Anwar Ali Rajput advocate for applicant. Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with ASI Muhammad Arshad I.O. Complainant is present in person.

ZULFIQAR ALI SANGI, J:- Through instant bail application, the applicant/accused namely, Kamran @ Kami son of Muhammad Yameen seeks post-arrest bail in FIR No.161/2023, registered at Police Station A-Section, Latifabad Hyderabad for the offences under sections 397 and 34, PPC. Earlier his bail plea was declined by the learned VIIth. Additional Sessions Judge, Hyderabad vide order dated 04.08.2023.

2. Per narration of FIR is that on 29.05.2023 at 1240 hours, complainant Iqbal Ahmed along with his son went to HBL Bank and after encashment of his pension amount of Rs.10,00,000/- when they were returning to home and reached in the street in front of Bismillah Square gate Unit No.07 Latifabad, on two motorcycles four unknown persons waylaid them, on the force of pistols they robbed an amount of Rs.10,00,000/- from them and then all the culprits fled away.

3. It is contended by learned counsel for the applicant that applicant/accused is innocent and has falsely been implicated in this case; that there is delay of about two days in lodgment of FIR and the same was registered after deliberation and consultation; that applicant is not nominated in the FIR and features are also not available; that after arrest of the applicant, identification test was also not held, therefore, the case of applicant requires further inquiry and applicant/accused may be admitted to post-arrest bail.

4. Complainant himself is present and submits that he being a poor person could not engage a private counsel and has full confidence upon learned A.P.G. The learned A.P.G submits that at the time of arrest, robbed amount of Rs.200,000/ have been recovered from him and he is notorious and criminal person having series of criminal record of having 26 cases have been registered against the applicant, which are on almost of same nature. I.O. present submits that CCTV footages/videos record is collected during

investigation and so also other sufficient material is available on record to connect the applicant/accused with the commission of offence. He further submits that applicant is also involved in other dacoity cases upto Rs. 30,000,00/-(thirty lacs) and robbed amount was also recovered from him in that cases, therefore, they prayed for dismissal of instant criminal bail application.

5. Heard learned counsel for the parties and have scrutinized the entire material available on record with their able assistance.

6. It reflects from the record that if there being a malafide on the part of complainant, he has to nominate the present applicant in FIR, however, the same has not been done and on the basis of recovered amount and other material i.e. CCTV footages collected during investigation, he has been arrested in this offence and at the time of his arrest, cash amount of Rs.200,000/- have been recovered from the applicant. In such circumstances where the applicant is involved for about 26 cases of almost same nature, in which, recovery has also been effected from him, there seems to be no malafide on the part of complainant or investigating officer in all the cases. Now a days the offences for which applicant is allegedly involved are increasing day by day and the poor people / public at large is victimized by the dacoits and as such there is need to made deterrence measures to control the crime. Keeping in view and by relying on the material collected during investigation, the applicant is not entitled for the concession of bail.

7. In view of above position, I am of the tentative view that learned counsel for the applicant has failed to make out a case for bail at this stage. Consequently, instant criminal bail application is dismissed.

8. The observations made hereinabove are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE