

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-417 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

22.08.2024

Mr. Mashooque Ali Mahar advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General Dr. Waqar Mahmood Memon, DG Health Hyderabad and ASI Manzoor Alam PS Saeedabad.

ZULFIQAR ALI SANGI, J.- Applicant Khan kaka seeks post-arrest bail in Crime No.10/2024 registered at P.S. Saeedabad U/s 324, 147, 148, 149 504, 506, 109 and 335 PPC after his bail was declined by the learned Additional Sessions Judge, Hala vide order dated 30.03.2024.

2. Allegation as per FIR against the present applicant is that he caused hatchet blow to the complainant which hit him on his right eye while co accused also caused the injuries to complainant party.

3. It is contended by counsel for the applicant that the applicant has been falsely implicated in this case; that FIR was registered with the delay of one month and eight days and no explanation has been furnished by the complainant; that co-accused Muhammad Waseem Kaka has granted post-arrest bail and Muhammad Rafique Kaka and others were granted pre-arrest bail by the Additional Session Judge Hala therefore the applicant is also entitled to be enlarged on bail.

4. The bail plea has been opposed by learned APG by submitting that the injury received by injured Yar Muhammad was certified through MLC which falls under section 336 which provides punishment up to 10 years and the same falls within prohibitory clause of section 497 Cr.P.C, all the witnesses are supporting the case and the delay has been explained by the complainant, therefore, applicant is not entitled for grant of bail.

5. Heard learned counsel for the applicant and APG and perused the material available on record.

6. It reflects from the record that the allegation against the present applicant is that he caused hatchet below upon the injured Yar Muhammad on his vital part of the body with intention to commit his murder and it was hit on his right eye. The MLC issued by the doctor supports the version of complainant and was challenged by the applicant party. Lastly in compliance of the order of this court a special board was constituted including the professors from the institute of ophthalmology.

Today the Director general Health Services Sindh Hyderabad filed such report on perusal reflects that the previous decision of MLC was correct and it further reflects that **“Injured Yar Muhammad S/o Muhammad Umer by caste Kaka the recent fundus photographs shows macular scar which is involving central retina / Macula. This is because of Blunt trauma. Causing loss of central vision. This vision loss is permanent.”** Under the above circumstances, it appears that there is sufficient material against the applicant which connects him with the commission of offence which disentitles him for the relief claimed through instant application. Result thereof is that this application is dismissed.

7. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

JUDGE