

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-984 of 2023

Applicant : Imam Bux through Mr. Ayatullah Khuwaja, Advocate.

State : The State through Mr. Bashir Ahmed Almani,
Assistant Attorney General for Pakistan.

Date of hearing : **02.02.2024**

Date of Order : **02.02.2024**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the above named applicant/accused seeks his post-arrest bail in Crime No.14 of 2023, under section 419, 420, 467, 468, 471, 109, 34 PPC r/w Section 5 (2) PCA, 1947, registered at P.S FIA Crime Circle Hyderabad, after his bail plea was declined by the learned Special Judge Anti-Corruption (Central) Hyderabad, vide her order dated 31.08.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused mainly contended that the applicant/accused is innocent and he has been falsely implicated in this case; that the name of applicant/accused does not transpire in the F.I.R however, on the basis of statement of co-accused, he has been nominated in this case; that no direct evidence is available against the applicant to connect the applicant / accused in the commission of offence; hence, he prays for grant of bail.

4. On the other hand, learned Assistant Attorney General has vehemently opposed to the grant of bail on the ground that there is sufficient material available on record to connect the applicant in the commission of offence, as such, prays for dismissal of bail application.

5. I have heard learned counsel for the parties and have perused the record available.

6. Perusal of the record shows that the name of applicant/accused does not appear in the F.I.R and only on the basis of statement of co-accused, he has

been implicated in this case that fifteen thousand rupees has been transferred in to his account. The applicant/accused is in jail, he is no more required for further investigation and his further detention will not improve the prosecution case. However, it is yet to be seen as to whether the offence has been committed unless the evidence is to be recorded. In these circumstances, the case of the applicant/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C. Learned counsel for the applicant/accused has pleaded malafide on the part of the complainant for false implication of the applicant/accused in this case which cannot be ruled out.

7. In view of the above, at bail stage, only a tentative assessment is to be made. The learned counsel for the applicant/accused has made out a case for grant of post-arrest bail, resultantly instant Criminal Bail Application is allowed and the applicant/accused Imam Bux s/o Ali Bux Abro is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- [Rupees Fifty Thousand] and P.R. bond in the like amount to the satisfaction of learned Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Hafiz Fahad