

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

Criminal Bail Application No.S-1402 of 2023

Applicant : Abdul Saeed through Mr. Ishrat Ali Lohar,  
Advocate.

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

Date of hearing : **15.01.2024**

Date of Order : **15.01.2024**

**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.12 of 2023, under section 462-K, 409, 109 PPC read with Section 5(2) Act-II, 1947, after his bail plea was declined by the learned Anti-Corruption (Central), Hyderabad, vide his order dated 28.11.2023.

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 has been falsely implicated in this case; that nothing was recovered from the applicant/accused but the complainant has malafidely involved the applicant in the instant case. He next submits that the offence with which the applicant stands charged does not fall within the prohibitory clause of Section 497 Cr.P.C. and, that the challan of this case has already been submitted and therefore, the applicant / accused is no more required for further investigation. He lastly prayed for confirmation of bail.

4. On the other hand, learned Assistant Attorney General has vehemently opposed to the grant of bail to the applicant/accused.

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

6. Admittedly the offence in which the applicant is charged does not fall within the prohibitory clause of section 497 Cr.P.C whereas grant of bail is a rule and refusal is an exception. No exception has been pleaded by learned

A.A.G to refuse the bail to the applicant. The applicant/accused is in jail, he is no more required for further enquiry, as such, his further detention will not improve the case of prosecution. 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 Abdul Saeed s/o Abdul Hameed 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.

7. 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\**