

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

Cr. Bail A. No. S-624 of 2024

Safeer.....Applicant

Versus

The State.....Respondent

Cr. Bail A. No. S-739 of 2024

Ahmed Khan.....Applicant

Versus

The State.....Respondent

Muhammad Sachal R Awan, Advocate, for the Applicant in Cr. Bail Application No.S-624 of 2024. Syed Tarique Ahmed Shah, Advocate for Applicant in Cr. Bail Application No.S-739 of 2024

Bashir Ahmed Almani Assistant Attorney General a/w IO Sub-Inspector Waqar Ahmed of FIA Mirpurkhas

Date of Hearing : 21.10.2024.

ORDER

YOUSUF ALI SAYEED, J - Following the dismissal of their earlier bail Applications by the learned Special Judge Anti-Corruption (Central) Hyderabad, the Applicants, namely Safeer Ahmed and Ahmed Khan, have approached this Court under Section 497 Cr.P.C seeking post-arrest bail in respect of (i) FIR No. 03 of 2024, registered at Police Station FIA Composite Circle, Mirpurkhas on 12.03.2024 under Sections 409, 419, 420, 468, 471, 477-A, 109 and 34 PPC read with Section 5(2) of Prevention of Corruption Act 1947 in pursuance of a source report submitted in the matter of allegations regarding the misappropriation/embezzlement of funds from certain accounts of the Hyderabad Electric Supply Corporation (“**HESCO**”).

2. The allegation against the first of those Applicants, who is a private individual, is that of the total amount misappropriated/embezzled, a sum of Rs.3,852,542/- was illegally received by him in his personal bank account. As regards, the other Applicant, it has been alleged that in his capacity as a XEN having the power of a DDO, he colluded with the Divisinal Accounts Officer, HESCO, namely Zohaib Ahmed Chandio, to siphon funds amounting to Rs.15,858,154/- by drawing excess amounts under the heads of salary and payroll which were not credited to employee's but were channeled to private individuals.

3. Being interlinked, the Applications proceeded in tandem, with the relevant factors meriting consideration at this stage for purpose of deciding the same being as follows:
 - (a) The allegations relate to a 3-year period, with the FIR being based on an unidentified source report sans any complaint from HESCO.
 - (b) The evidence has been collected, and is entirely documentary and in the custody of the FIA.
 - (b) The alleged offences do not fall within the prohibitory clause and the matter appears to be one that requires further inquiry.
 - (c) No flight risk concerns have been raised by the State.
 - (d) Several persons implicated in the matter have earlier moved their respective post-arrest bail applications before this Court, being Criminal Bail Application No. S-379 of 2024 and connected matters, which were allowed through a consolidated Order dated 29.05.2024 by a learned Single Judge, with the present Applications having since come up on the directions of the Honourable Chief Justice for their fixation as per roster pursuant to a Office Note put up in view of the principle laid down by the Supreme Court in the case reported as Nazir Ahmed & another v. The State & others PLD 2014 SC 241.
 - (e) Other persons implicated in the matter have since been granted post-arrest bail by the trial Court through Bail Application Numbers 184, 222 and 224 of 2024 in view of the aforementioned Order dated 29.05.2024, and other XEN's being on interim pre-arrest bail.

4. It is in view of those factors that the Applications were allowed vide a short Order made in Court upon culmination of the hearing on 21.10.2024. Office is directed to place a copy of this Order in the file of the connected Bail Application.

JUDGE