

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

Criminal Bail Application No.S-851 of 2024

Applicant : Faizan Ali through Mr. Shakeel Umar, Advocate.
Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh.
Complainant : None present.
Date of hearing : 02.12.2024.
Date of Order : 02.12.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Faizan Ali seeks pre-arrest bail in Crime No.235/2024, registered at Police Station A-Kotri, District Jamshoro for the offence under sections 380 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Sessions Judge, Jamshoro vide order dated 05.07.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant contends that the applicant/accused has falsely been implicated in this case otherwise, he is innocent. He further contends that the complainant has involved the applicant on the basis of CCTV footages; however, such CCTV footages are not available with the police or even with the complainant. He further contends that FIR is delayed by 02 days but no plausible explanation has been furnished. The offence does not come within the ambit of prohibitory clause of section 497 (1) Cr.P.C. He lastly prays that interim pre-arrest bail already granted to the applicant may be confirmed.

4. On the other hand, learned A.P.G. Sindh opposes the confirmation of bail to the applicant.

5. Heard and perused the record.

6. On perusal of record it reflects that the complainant, a Manager at Amin Textile Mills, Kotri, reported an incident on 02.06.2024 when the Mill reopened after a holiday. The Display of Machine Q Pro was not functioning, and upon inspection, it was discovered that the display card was missing. The complainant then checked the CCTV footage from 1500 to 2300 hours and saw Assistant Fitter Mechanic Faizan Ali unlocking the head panel of machine at around 0750 hours, thereafter the card found missing. The complainant

valued the missing card at Rs.700,000/-. On the basis of CCTV evidence, the applicant/accused has been booked. No *mala fide* has been pointed out by the counsel for the applicant. At this stage, there is sufficient evidence to tentatively connect the applicant to the alleged offense.

7. In view of the above facts and circumstances, the learned counsel for the applicant has failed to make out a case for further inquiry as envisaged under sub-section 2 of Section 497 Cr.P.C. Consequently, the instant criminal bail application is hereby **dismissed**. The interim order passed by this Court on 02.08.2024, granting pre-arrest bail to the applicant, is hereby recalled.

8. It is needless to mention that the observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case of the applicant on its merits.

JUDGE

Abdullah Channa/PS