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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
1<sup>st</sup> CrI. Bail Appl. No.S-102 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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12.8.2016.

1. For orders on office objection.
2. For hearing.

Mr. Rafique Ahmed K. Abro, advocate for applicants, alongwith applicants.

Mr. Saeed Ahmed Leghari, advocate for complainant, alongwith complainant.

Mr. Khadim Hussain Khooharo, DPG.

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Through this Criminal Bail Application, the applicants, namely, Abdullah and Manzoor, both sons of Masoo Khan, by caste Chahwan, seek pre-arrest bail in Crime No.92/2015, registered at Police Station Naudero, under Sections 457, 380, PPC. Their earlier bail application bearing No.1298/2015 was dismissed by the learned Sessions Judge, Larkana, vide order dated 08.12.2015.

2. Briefly stated, the facts of the case are that on 26.11.2015 complainant Ameer Bux Labano lodged the aforementioned F.I.R, stating therein that on 15.11.2015, at 0100 a.m. on the commotion in the cattle-pond he, his son Ghulam Shabir and cousin Roshan got up and saw that Abdullah armed with repeater, 2. Manzoor armed with lathi and three (3) unidentified accused persons armed with guns, were going after stealing his buffalo, but due to fear of weapons they remained silent and even did not follow them; thereafter on the following morning they went to accused party, who assured them that they would return the buffalo within 2/3 days but after keeping him on false hopes, they refused to return the same and it was thereafter the instant F.I.R was lodged.

3. Learned Counsel for the applicants/accused has contended that the applicants are innocent and have falsely been implicated in this case due to enmity between the parties. He has further stated that there is an inordinate delay of about 10 days in lodging F.I.R, for which no plausible explanation whatsoever has been shown by the

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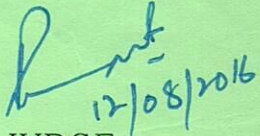
complainant. He has also submitted that malafide on the part of the complainant may be examined from the fact that he has implicated the applicants in this case who are real brothers *inter se* and the very fact that the complainant and his so-called eye-witnesses did not react or even <sup>-not- of</sup> raised hue and cry after the alleged stealing of buffalo does not appeal to a prudent mind; moreover the alleged offence does not fall within prohibitory clause of Section 497, Cr.P.C, hence the interim pre-arrest bail granted to the applicants may be confirmed. Otherwise, if they are arrested, they shall be humiliated by the police on the behest of complainant.

4. On the other hand, the learned Counsel for the complainant has vehemently opposed the bail application and has maintained that besides the complainant, his son and cousin are eye-witnesses in this case, therefore, the applicants are not entitled for the concession of bail.

5. Learned DPG has also supported the contention of learned Counsel for the complainant.

6. It may be observed that there is inordinate delay of 10 days in lodging of F.I.R. The complainant and his son Ghulam Shabir and cousin Roshan had allegedly seen the applicants stealing buffalo but neither they raised any hue and cry at the very moment or even thereafter, after the departure of the applicants from the scene and also did not inform the alleged incident to their neighbours on the relevant time of occurrence. In the circumstance, at least the <sup>case against - of</sup> ~~the~~ the applicants is a matter of further inquiry as envisaged under Section 497(2), Cr.P.C.

7. For the foregoing facts and discussion, the ad-interim pre-arrest bail granted to the applicants by order dated 19.2.2016 is hereby confirmed on the same terms and conditions.

  
12/08/2016  
JUDGE