

2

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Cr. Bail Appln. No. S- 595 of 2017.

Date	Order with signature of Hon'ble Judge
------	---------------------------------------

1. For orders on office objections as flag A.  
2. For hearing of bail application.

17.8.2018.

Mr. Muhammad Rehan Khan Durani, advocate a/w applicant.

Mr. Khadim Hussain Khoonharo, Addl. P.G.  
=====

Through instant application, applicant Ravi Kumar has sought pre arrest bail in Crime No.66 of 2017 registered at P.S City Jacobabad U/S 489-F, 506(2) PPC. His earlier application for grant of pre arrest bail was heard and dismissed by the learned Additional Sessions Judge-II, Jacobabad vide order dated 02.12.2017. The applicant was granted ad interim pre arrest bail by this Court vide order dated 08.12.2017, now he seeks confirmation of the same.

As per FIR the allegation against the applicant is that on 20.7.2017 he issued a cheque of Rs.30,00,000/= in favour of the complainant to be drawn at Summit Bank Jacobabad which was dishonoured on being presented.

Learned counsel for the applicant states that the applicant has wholesale cloth business and he was having business dealing with the complainant and used to supply cloth to him on credit as well cash but due to unfair business dealing on the part of the complainant, the applicant stopped the business dealing, however, same was subsequently resumed by the applicant on the intervention of brother of the complainant who stood surety for him. Later on, the applicant came to know that the complainant and his brother Kamal Kumar committed fraud with the business

V

community and since an amount of Rs.90 Lacs was outstanding against the complainant, he approached him and complainant issued postdated cheques amounting Rs.65 Lacs to be drawn on 15.7.2017 and another cheque amounting Rs.25 Lacs to be drawn on 15.8.2017 however, the same were dishonored on being presented before the bank concerned. Hence the applicant also lodged the FIR No.75 of 2017 at P.S City Jacobabad; that the alleged cheque of the applicant has been misused by the complainant. He also states that the alleged offence does not fall within prohibitory clause of section 497 Cr.P.C hence the applicant is entitled for the concession of bail.


On the other hand, learned Addl. P.G states that admittedly the applicant had business terms with the complainant and both the parties have issued cheque in favour of each other which were dishonoured and the applicant in the present bail application has been admitted to interim bail on furnishing solvent surety in the sum of Rs.30 Lacs which is equal to the amount of cheque, hence he has no objection for the confirmation of bail.

Heard learned counsel for the applicant, learned Addl.P.G and perused the material available on record.

It is an admitted position that the FIR itself discloses the fact that both the parties have business dealing interse and the cheque has been issued by the complainant in favour of the complainant in that respect and it appears that the complainant had also issued two cheques in favour of the applicant total amounting Rs.90 Lacs which is more than the amount of the cheque of complainant however, the cheques of both the parties have dishonoured. The applicant has already furnished surety in

the sum of Rs.30 Lacs which is equal to the amount of cheque allegedly issued by the complainant in favour of the applicant. The alleged offence does not fall within prohibitory clause of section 497 Cr.P.C. The police has already submitted challan, hence he is no more required for investigation. The applicant was admitted to ad interim pre arrest bail by this Court on 8.12.2017 and there is no complaint with regard to misusing of interim bail. Hence the interim bail granted to the applicant is confirmed on the same terms and conditions.

The bail application stands disposed of.

  
JUDGE

Application in D/O matter.

1. For orders on MA:- 5853/19 (U/A)
  2. For orders on MA:- 5857/19 (561-A)
- Accountant report as tag "B"