

Log

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Ist CrI. Bail Appln. No.S-362 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
--------------------	---------------------------------------

1. For orders on office objection as Flag 'A'.
2. For Hearing.

02.08.2016.

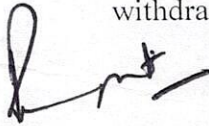
Mr. Safdar Ali Ghouri, advocate for the applicants along with applicants.

Mr. Khadim Hussain Khooharo, A.P.G

Through instant CrI. Bail application filed under section 498, 498-A, Cr.P.C, applicants, namely Mohammad Nawaz, Gul Muhammad, Pasand Khan, Sulleman, Oshaque Ali, Ali Ahmed, Abdullah, Matu and Rajib Ali seek pre arrest bail in Crime No.12 of 2016 registered at Police Station Ketty Mumtaz, District Larkana under section 382, 114, PPC. Their earlier pre arrest bail was dismissed by the learned Sessions Judge, Larkana, vide order dated 26.07.2016.

Briefly stated the facts of the case are that on 09.07.2016, complainant Muhammad Ishaque lodged aforementioned FIR alleging therein that the applicants/accused on 24.06.2014 at 09:00 a.m, duly armed with lethal weapons committed theft of three buffaloes, eight calves, two cows and one calf at the instigation of accused Muhammad Nawaz which were owned by the complainant.

Learned counsel for the applicants/accused submits that the applicants/accused are innocent and have falsely been implicated in this case. He further submits that previously the applicants party lodged an FIR bearing No.06/2016 on 03.06.2016 at same Police Station for the theft of their cattle against the complainant party and present FIR is counter blast of their FIR. He also submits that there is inordinate delay of fifteen days in lodging of the FIR for which no plausible explanation has been furnished by the complainant. He added that the alleged offence does not fall within the prohibitory clause of section 497(1), Cr.P.C and the instant FIR has been lodged with malafide intention only to harass the applicants/accused to compel them to withdraw from their FIR lodged against the complainant party.



The complainant despite being served with the notice, called absent.

Mr. Khadim Hussain Khooharo, learned A.P.G has raised his no objection for the confirmation of pre arrest bail moved on behalf of the applicants on the ground that the alleged offence does not fall within the prohibitory clause of section 497, Cr.P.C and admittedly there is delay of fifteen days in lodging the FIR and the theft of the cattle of the present applicants/accused party is also matter of record for which FIR had already been lodged against the complainant party; hence, it is a fit case of further enquiry.

In view of above, ^{the} the interim pre arrest bail already granted to the applicants vide order dated 04.08.2016 is confirmed on the same terms and conditions. Bail Application stands disposed of.


Judge

For Directions

- 1- For orders on MA no. 4134/18 (U/A)
- M.Y. Panhwar/** 2- For orders on MA no. 4135/18 (B/A)
- 3- For orders on MA no. 4136/18 (SGI-A)

Accountant's Report as flag 4B - X