

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

Criminal Bail Application No.S-514 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on office objections. For hearing of main case.
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09.06.2023.

Mr. Muzzamil Khan Bughio advocate for the applicant.
Ms. Safa Hisbani Assistant Prosecutor General.
Applicant is present on ad-interim pre-arrest bail.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- Complainant has alleged in FIR that he is Manager at Al-Karim Residency Housing Scheme Jamshoro, whereas applicant is his predecessor. He had taken away Rs.800,000/- surreptitiously on leaving job. The complainant and owner of the Scheme asked him to return money against which he issued a cheque of Rs.800,000/- which on presentation in the bank was dishonored.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. There is no proof that applicant had taken away Rs.800,000/- from the office of Al-Karim Residency. Applicant, in fact, was taken away by police where he was forced to sign the cheque. The alleged offence took place in Qasimsabad but FIR has been registered at Jamshoro. There is delay of about two months in registration of FIR.

On the other hand, learned Assistant PG has opposed bail to the applicant.

I have considered submissions of the parties and perused material available on record. There is prima facie sufficient evidence against the applicant in the shape of dishonored cheque. The impugned order shows that the plea taken by the applicant before learned trial Court was that this cheque was issued by him to complainant as a guarantee for settling the issue through nek-mards. Here, plea taken by learned counsel is that applicant was taken to police station and under force he had issued the cheque. Both the defence pleas taken by the applicant are prima facie contradictory to

each other. And in view of prima facie evidence he is not entitled to concession of pre-arrest bail which is extra-ordinary in nature and can be invoked by a person who has falsely been implicated to save himself from arrest in a non-bailable offence which is otherwise requirement of law. In the investigation I.O. has succeeded in collecting reasonable evidence against the applicant. No case for relief of pre-arrest bail is made out. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to him vide order dated 23.05.2023 is hereby recalled.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali