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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 478 of 2016.

Date of hearing	Order with signature of Judge
28.11.2016.	

FOR HEARING.


Mr. Ali Anwar Saahar, Advocate for applicants.
Mr. Sardar Ali Rizvi, A.P.G.

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Applicants Imdad Hussain Khoso and Mir Hassan alias Meero Khoso are accused in F.I.R bearing Crime No.34/2014 P.S Thariri Mohabbat, registered for the offences punishable under Sections 302, 324, 436, 338-C, 428, 429 P.P.C.

The applicants are not nominated in the F.I.R; the allegations in the F.I.R are that they (four (4) unknown accused), alongwith co-accused (four (4) nominated) after committing trespass in the house of complainant injured Mst. Sorath and Mst. Fozia by firearm weapons. Mst. Fozia is said to have died during treatment subsequently. And in addition to above, two buffalos, one male calf buffalo were allegedly killed and six buffalos were injured in the firing of accused. During investigation, P.Ws Mitho and Ghulam Hassan have given the names of present applicants in their statements, recorded under Section 161 Cr.P.C, to be present at the spot and on the basis thereof the applicants have been arraigned as accused in the challan. Apart from the applicants, co-accused Abdul Hameed, whose name also does not appear in the F.I.R, has been made accused in the case on the basis of statements of said witnesses.

Learned defence counsel at the very outset of his arguments has submitted a photocopy of Order dated 01.06.2015 passed by this Court in Crl. Bail Appln. No. S- 530/2014, whereby co-accused Abdul Hameed has been granted post arrest bail, and states that the case of the applicants is at par with the case of said co-accused, therefore, rule of consistency is applicable.



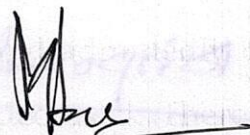


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Complainant is present and has stated that on his behalf the learned A.P.G. would argue the case.

Learned A.P.G. has not been able to deny the fact that co-accused having been assigned same role has been granted bail, and has conceded to confirmation of the interim pre arrest bail of applicants on the rule of consistency.

From a perusal of above order, it transpires that co-accused Abdul Hameed has been granted bail by this Court on the grounds, *inter-alia*, that his name does not appear in the F.I.R; that no role has been attributed against him in the statement of P.Ws and admittedly he has not caused any injury to anyone including the deceased. There is no material showing that allegations against the applicants are different than that leveled against above co-accused, therefore, I am of the view that rule of consistency is applicable to the case of applicants and they are entitled to the same treatment. Resultantly, interim bail granted to applicants is confirmed on the same terms and conditions contained in order dated 07.10.2016, whereby they were granted interim pre arrest bail. The application stands disposed of.



JUDGE 28-11-2006.

