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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st. CrI. Bail Appln. S-328 of 2018.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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07.09.2018.

1. For orders on office objection 'A'.
2. For Hearing of Bail Application.

Mr. Razi Khan Chandio, advocate for the applicants.

Mr. Sharafuddin Kanher, A.P.G.

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Complainant and his counsel called absent without any intimation, though the complainant was served with the notice and on his behalf Mr. Sanaullah Gilal, advocate had filed his Vakalatnama.


Through instant CrI. Bail Application, applicants 1. Ghulam Hussain son of Mehnal, 2. Karam Hussain son of Ghulam Hussain and 3. Ali Gohar son of Ghulam Hussain seek pre arrest bail in Crime No.04/2018 registered at Police Station Hamal under section 337-A(ii), A-(i), F(i), 504, 147, 148, PPC. Earlier their application for the grant of pre arrest bail bearing No. 493 of 2018 was heard and dismissed by the learned Additional Sessions Judge-II, Kamber vide order dated 01.06.2018. The applicants were admitted to ad-interim bail by this Court vide order dated 02.07.2018, now they seek confirmation of the same.

Briefly stated the facts of the case as narrated in the aforementioned FIR lodged by complainant Ali Nawaz on 19.05.2018 are that on 16.05.2018 at about 08:00 a.m, applicant Karam Hussain and Ali Gohar caused lathi blows to complainant on his forehead and buttocks, while applicant Ghulam Hussain and one unidentified person caused lathi and handle of hatchet blows to P.W Ghulam Mustafa on his back side of head, left shoulder, while accused Bashir caused lathi blows on the complainant's father, namely, Muhammad Sachal on his upper part of the teeth over the dispute of 'Khanat' of agricultural land.

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Heard learned counsel for the applicants and learned A.P.G for the State and perused the material available on record.

It appears that after investigation the police has submitted the challan before the concerned Court. The allegation against the present applicants is only to the extent that applicant No.1 caused lathi blow to uncle of the complainant on his back while the applicants No.2 & 3 caused lathi blows to complainant on his forehead and buttocks while co-accused Bashir Ahmed caused lathi blow to complainant's father Muhammad Sachal on his upper part of the teeth. The alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C and co-accused Bashir Ahmed has already been admitted to post arrest bail by the learned trial Court vide order dated 08.06.2018. Even otherwise on the rule of consistency the present applicants are also entitled for the concession of bail. Hence interim bail granted to the applicants vide order dated 02.07.2018 is hereby confirmed on the same terms and conditions.


Judge

M.Y.Panhwar/**