

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 341 of 2018.

Date of hearing	Order with signature of Judge
08.10.2018.	

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

Mr. Muhammad Afzal Jagirani, Advocate for applicant.  
Mr. Sharafuddin Kanhar, A.P.G.  
Complainant is present in person.

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Through instant application, applicant Ali Akbar son of Haji Ghulam Qadir Korai has sought pre arrest bail in Crime No.32/2018, registered at P.S Rehmatpur, Larkana, under Section 489-F P.P.C. His earlier application for grant of pre arrest bail bearing No.793/2018 was heard and dismissed by the learned 3<sup>rd</sup> Additional Sessions Judge, Larkana, vide Order dated 14.6.2018. The applicant was admitted to ad-interim pre arrest bail by this Court vide order dated 05.7.2018, now the matter is fixed for confirmation of the interim bail or otherwise.

At the very outset the complainant, while placing certified true copies of the case diaries of trial Court in Criminal Case No.154/2018, arisen out of aforementioned F.I.R and pending adjudication before V-Civil Judge and Judicial Magistrate, Larkana, states that the applicant after obtaining ad-interim bail failed to appear before the trial Court on three consecutive dates of hearing i.e. 18.9.2018, 25.9.2018 and 03.10.2018, which amount misuse of concession of ad-interim bail.

Learned counsel for the applicant while admitting the fact of applicant's remaining absent from the trial Court, states that due to abdominal pain the applicant did not attend the trial Court. I am afraid, the explanation furnished by the learned counsel does not appeal to mind of a prudent person. It appears that on 18.9.2018 when the applicant failed to appear before the trial Court, his brother namely, Ali Asghar appeared before the trial Court and submitted an application for excusing absence of



applicant on the ground of illness. Then, again on 25.9.2018 said Ali Asghar appeared before the trial Court and submitted similar application. However, the trial Court passed an order to put up the application on the next date alongwith medical certificate. Then, on next date of hearing i.e. 03.10.2018 again applicant failed to appear before the trial Court and his brother again submitted an application for excusing his absence and the trial Court again passed the order to put up the application on the next date of hearing alongwith medical certificate with directions to applicant to appear. Prima-facie, the applicant is avoiding to appear before the trial Court which amounts mis-use of the concession of interim bail disentiing him for extra ordinary concession of pre arrest bail, hence this bail application is dismissed and interim bail granted vide order dated 05.7.2018 is re-called.

  
JUDGE

Ansari/\*