

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No. **1489** of 2018

Date	Order with signature of Judge
<u>For hearing of Bail Application.</u>	

04.12.2018.

Mr. Saifullah, Advocate for the applicant

M/s. Siraj Ali K. Chandio, Addl: P.G. and Ali Haider Salim, DPG

The applicant, Umer Zada is seeking post arrest bail in a case bearing crime No.423/2016, U/s II EE(4) r/w section 7 of ATA, 1997, registered with Police Station Peerabad, Karachi.

It is alleged in the FIR that name of the applicant was put in the 4th Schedule of ATC Act, 1997 vide notification dated **31.12.2009** for a period of three (03) years and the applicant in terms thereof continuously appeared before the Police Station concerned to mark his presence. However, since **10.03.2016** he disappeared and thereafter in his absence again his name for 4th Schedule was re-notified on **28.09.2017** but in terms of re-notification the applicant did not record his presence with the Police Station concerned, hence, the present FIR was registered against him u/s IIEE(4) r/w section 7 of ATA, 1997.

Learned defence counsel has argued in favour of grant of bail to the applicant, whereas, learned Additional Prosecutor General has opposed such a relief to him.

We have considered the facts of the case. Except the present case no other case has ever been registered against the applicant. In terms of earlier notification dated **31.12.2009** which was for only three (03) years the applicant continuously appeared in the Police Station up-to **01.03.2016** which is beyond the period of three (03) years. A fresh notification was issued in his absence on 28.09.2017, therefore, the question whether he was aware of the subject notification or not and therefore was obliged to appear before Police Station concerned requires further enquiry. Consequently, we allow this bail application, and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

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Rafiq/P.A.