

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1194 of 2019

Date	Order with signature of Judge
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Imran Ali @ ManiApplicant/Accused

VERSUS

The StateRespondent

For hearing of Bail Application.

15.10.2019.

Mr. Shakeel Ahmed, Advocate for applicant/accused
 Syed Meer Ali Shah, Addl: P.G Sindh

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By this order, we would like to dispose of this bail application, whereby applicant is seeking post arrest bail in case bearing crime No.25/2018, U/s 109, 220, 365-A/34, R/W Section 7 A.T.A. 21(1) A.T.A. registered at Police Station CTD Operation, Karachi.

2. Applicant's name is not mentioned in the FIR, which was lodged by complainant on 19.01.2019, regarding abduction of his son Zulfiqar Ali by police officials posted at Police Station CTD, Karachi and confining him there. When complainant went to see his son at Police Station CTD, the accused police officials demanded ransom from him for release of his son. He, however, managed a raid conducted by learned Judicial Magistrate, who found son of the complainant in illegal confinement. However, subsequent to it, he was booked in FIR No.91/2017, U/s 4/5 Explosive Act, R/W Section 7 ATA against recovery of a huge cache of arms and explosive, which as per prosecution story was supplied by accused Shah Khalid. The case against the applicant is that he was in connivance with co-accused Shah Khalid, who had supplied arms and explosive to the police, which were foisted upon son of complainant Zulfiqar Ali.

3. It is argued that all the accused who are police officials and against whom direct allegations of abduction and demanding ransom from the complainant have been leveled by the complainant have been granted bail by this Court. The only allegation against the applicant is that after his arrest in other crime, his statement under Section 164 Cr. P.C. was recorded in which he has admitted to be in league with the co-accused Shah Khalid, who had supplied arms and explosive which were foisted upon son of the complainant.

4. Learned Additional Prosecutor General Sindh has not denied that co-accused against whom direct allegations have been leveled by the complainant have been granted bail by this Court and rule of consistency is applicable to the case of the applicant.

5. Mr. Abdul Latif Khoso, Advocate is holding brief for Mr. Muhammad Asif Jawed, Advocate.

6. After hearing the parties, we are of the view that applicant has been able to make out a case for bail not only on rule of consistency as the main accused have already been granted bail but also on the ground of further inquiry. The only material against him is his 164 Cr. P.C. statement to the effect as stated above. The value of such statement in law is yet to be determined at trial. Consequently, we allow this bail application, and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.200,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

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

JUDGE

JUDGE

Rafiq/P.A