

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Accountability Bail Application No.D-64 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on office objections.
	For hearing of main case.

23.11.2022.

Mr. Ishrat Ali Lohar, Mr. Muhammad Arif Kalar and Mr. Zulfiqar Ali Korai advocates for applicant.

Mr. Niaz Hussain Mirani Special Prosecutor NAB.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant is an ex-Accountant, Taluka Municipal Administration Sujawal against whose officials Reference No.19/2016 has been filed for embezzlement of a total amount of Rs.86,513,159/-. The applicant however is said to have issued two cheques of Rs.2,750,000/- and Rs.250,000/- which according to investigation, he withdrew and benefitted himself.

Applicant was taken into custody on 06.10.2022 when it transpired that he had not sought any order granting him bail in this very reference. The case of applicant is that initially he was granted bail after he was issued a call up notice by this Court vide C.P. No.D-79/2016 but when learned Special Prosecutor made a statement in the Court that he was not required in the investigation, he withdrew the same under the impression that he was no more required by NAB in any case. The very reference was filed subsequently and he appeared in the trial Court after being summoned under the said impression that he was still under protection of aforesaid order passed in C.P. No.D-79/2016. However, later on, it transpired that order was only effective in reference No.03/2016 and not in the subject reference. Learned counsel for applicant submits that bonafide of the applicant can be gauged from the fact that he kept on appearing in the trial Court and never made such situation: him not being on bail to remain absent. All the accused persons have been granted bail and applicant is ready to deposit cash of Rs.30 lacs

alleged against him with NAB to secure his bail. Special Prosecutor NAB on the said condition has extended no objection.

We have heard learned counsel for parties and perused material available on record. All the co-accused against whom more or less identical accusations have been leveled: misappropriation of government funds have been granted bail. Furthermore, the applicant is ready to deposit alleged amount outstanding against him. Therefore, this bail application is allowed, not opposed by learned Special Prosecutor NAB conditionally, and applicant is granted post-arrest bail subject to deposit of Rs.30 lacs with NAB and furnishing a surety in addition in the sum of Rs. 01 lac and P.R Bond in the like amount to the satisfaction of learned trial Court. Learned trial Court would issue release writ only after submission of receipt of Rs.30 lacs with NAB alongwith execution of surety.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

JUDGE