

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

Criminal Bail Application No.S-784 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For hearing of main case.

09.09.2022.

Applicant is present on interim pre-arrest bail.

Mr. Imran Ali Abbasi Assistant Prosecutor General, Sindh.

Mr. Rai Singh Sodho advocate for complainant.

ORDER

MUHAMMAD IQBAL KALHORO, J:- A perusal of FIR shows that applicant hit complainant with a lathi/club on his nose causing him an injury opined by Medico-Legal Officer as 337-A(iv) PPC, non-bailable, punishable for ten years, falling within the prohibitory clause of Section 497 CrPC.

I have heard applicant as his counsel is absent who has submitted that he has been falsely implicated in this case, however, I have read FIR and other material and heard counsel for complainant and learned APG who have opposed bail to the applicant. There is no element of malafide on the part of complainant. Applicant has been assigned specific role of causing lathi blow to complainant causing him an injury, which has been verified by medical evidence. Relief of pre-arrest bail is extraordinary which is not available to an accused having been implicated in a case falling within the prohibitory clause of Section 497(i) CrPC with prima facie evidence against him and without any trace of malafide on the part of complainant. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 27.07.2022 is hereby recalled.

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

JUDGE

Irfan Ali