

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

Criminal Bail Application No.S-1098 of 2021.

Criminal Bail Application No.S-1181 of 2021.

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

12.08.2022.

Mr. Aijaz Shaikh advocate for the applicants.
Ms. Sana Memon Assistant Prosecutor General.
Applicants are present on interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- There is a dispute between complainant party and accused party over *Mutwaliship* of Dargah Syed Soomar Shah situated in Matiari over which they are already in litigation before the relevant Court in FC Suit No.35/2020. The allegations against the applicants are that on 04.08.2021 at about 0245 hours when complainant and other women were present inside Dargah Syed Soomar Shah and reciting holy Quran, the applicants and co-accused Amjad, entered the Dargah, misbehaved with them, dragged them out and in the course of which torn their clothes. In the investigation, co-accused Amjad was arrested and has been granted bail by this Court vide order dated 15.11.2021 (Criminal Bail Application No.S-951 of 2021).

Learned APG although has opposed grant of bail to the applicants but has not disputed applicability of rule of consistency to the case of applicants as apparently there is no distinction between the role ascribed to the applicants and the one attributed to co-accused Amjad Hussain. Further, learned trial Court while dealing with an application under Section 265-K Cr.P.C. filed by co-accused Amjad has opined that Section 354-A PPC is not applicable and the case falls within the purview of Section 354 PPC, triable by Magistrate, and hence sent the case to the Magistrate for trial.

All the above facts and circumstances make the applicants entitled to the concession of bail. Accordingly, both the bail applications are allowed and ad-

interim pre-arrest bail granted to the applicants vide orders dated 02.12.2021 and 24.12.2021 are hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali