

CS

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Criminal Bail Application No.S-196 of 2021

Dodo Jafferi

V/S

The State

Applicant: Through Syed Fida Hussain Shah,
Advocate

State: Through Mr. Aitbar Ali Bullo, D.P.G.

Date of Hearing: 23.06.2022

Date of Decision: 23.06.2022

ORDER

Mahmood A. Khan, J.- Applicant Dodo Jafferi seeks post arrest bail in Crime No.40 of 2014, registered at Police Station Naparkot for offence punishable under sections 302, 337-H(ii), 148, 149 P.P.C after rejection of his bail plea by the learned 1st Additional Sessions Judge/Model Criminal Trial Court, Shikarpur vide order dated 18.05.2021.

2. The facts in nutshell are that a dispute was going on between the complainant and accused party, when about one year back son of accused Malook Aged about five years died due to fall in water. Malook alleged that Shahban and Ali Akbar have killed his son. On 16.06.2014 at about 3½ p.m., the complainant, his nephew, Ali Akbar and brother Muhammad Arif and cousin Abdul Hakeem went to their land for giving water to the land, when accused Malook, Shah Murad, Ali Muhammad alias Tudo armed with guns, Malgulzar armed with K.K, Dodo armed with Kulhari, Raza Muhammad armed with gun, Gulzar armed with

Mu

Kulhari came there, on which accused Malook shouted that you killed his son Liaquat due to revenge, he will kill Ali Akbar, subsequently accused Malook made straight fire on complainant's nephew Ali Akbar, which hit him, he fell down and died.

3. It is contended by learned counsel for the applicant-accused that applicant is innocent and he has been falsely implicated in this case by the complainant due to malafide intention with ulterior motives; that the co-accused have already been granted bail to whom much severe allegations as compared to the present applicant were present; that the allegation against the present applicant is that he was present at the scene of offence while carrying Kulhari only, whereas as stated in the M.L.O's report the death of the victim was caused due to fire shot injury. He finally prayed for grant of bail to the applicant-accused on rule of consistency.

4. The complainant in the matter had already appeared before this Court on 09.06.2022 and showed his confidence over the learned D.P.G. Learned Deputy Prosecutor General, however, considering the already granted bail to the co-accused extended his no objection if the bail is granted to the present applicant.

5. Having heard learned counsel for the parties and have perused the material available on record. The allegation leveled against the present applicant-accused in the F.I.R. is that he was having Kulhari in his hand, whereas M.L.O's report specifies that cause of death due to firearm injury. Sufficient material is available on the record to make out the case of applicant for further enquiry in terms of section 497(2) Cr.P.C., therefore, he is admitted to bail subject to his furnishing solvent

surety in the sum of Rs.50,000/- (Rupees Fifty Thousands only) and P.R.Bond in the like amount to the satisfaction of the learned Trial Court. It is also made clear that above observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.


JUDGE

Manzoor