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ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

1st. CrI. Bail Appln. No.8-661 of 2023.

Date

Order with signature of Judge

19.02.2024

1. For orders on office objection 'A'.
2. For hearing of bail application.

Mr. Suhendar Kumar, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

ORDER.

Learned counsel submits that co-accused Sarfraz Ahmed Chandio, Yaseen Manganhar, Fida Hussain Kalhoro, PC Gada Hussain, Ali Akbar and Ameer Ali, having identical role, have already been granted bail by the Court of Sessions on 24.08.2023 vide their respective Cr.Bail Appln. Nos.952, 954, 965, 966, 973, of 2023; however, prayer of the applicant has not been considered by the Additional Sessions Judge -II, Kamber, hence submits that rule of consistency is attracted in this case, hence prays for same treatment. Learned D.P.G does not oppose the bail application. Before parting with the order it would be appropriate to reproduce the operative para of order dated 24.08.2023 which reads as under :

"A careful perusal of record shows that all sections applied in FIR do not fall within the ambit of prohibitory clause. Moreover, rule of consistency is applicable in the instant matter as co-accused Zulfiqar Ali, Haji Khan and Imdad Ali having identical role as that of present applicants/accused have already been admitted to post arrest bail by this Court vide order dated 15.08.2023. Therefore, in above circumstances, the instant bail applications are allowed. Ad-interim pre-arrest bail, already granted to Applicants/accused Fida Hussain, Gada Hussain, Ali Akbar and Ameer Ali vide orders dated 16.08.2023 and 17.08.2023 are hereby confirmed on same

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terms and conditions and bail is granted to applicants/accused Sarfraz and Yaseen on furnishing surety in the sum of Rs.30,000/-(Rupees Thirty Thousands) and PR bond in the like amount to the satisfaction this Court."

Since all the co-accused having identical role have been granted extra ordinary relief in shape of pre arrest bail by the Court of Sessions, whereas, the applicant had applied for post arrest bail which has been declined without assigning any legal reason as the case of the applicant is not only at par but also on better footings then that of co-accused who have been extended grace of pre arrest bail. In the circumstances, the law demands that constant treatment should be extended in favour of the applicant. Consequently and in view of above legal position, instant bail application is hereby allowed. The applicant shall be released on bail subject to his furnishing solvent surety in the sum of Rs.30,000/- and P.R bond in the like amount to the satisfaction of trial Court.


Judge

M.Y.Panhuwar/**