

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1st Cr. Bail Appn. No. S- 515 of 2023

Date of hearing	Order with signature of Judge
	1. For orders on office objection 2. For hearing of bail application.
Applicant (Abdul Latif Mazari)	Through Mr. Faiz Muhammad Larik, Advocate
The State	Through Mr. Ali Anwar Kandhro, Addl. P.G.
Complainant (Allah Bux Malak)	In person.
Date of hearing	<u>30.11.2023.</u>

ORDER

Through this application, applicant Abdul Latif Mazari seeks his release on bail in Crime No.30 of 2023, registered at P.S Guddu, District Kashmore at Kashmore, under Sections 365-B, 363, 148, 149, 452, PPC. Such request of the applicant was declined by the learned Additional Sessions Judge, Kashmore vide order dated 17.08.2023.

2. According to the case of prosecution, on 02.07.2023, at about 1.00 p.m., the present applicant along with six others (four nominated and two unidentified), being armed with guns and TT Pistols, abducted Mst. Shabana Khatoon alias Makhan and Baby Samina, daughters of complainant from his house; hence, on 03.7.2023 complainant Allah Bux Malak lodged such FIR.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case along with his three real brothers due to matrimonial dispute. He next submits that the FIR has been lodged with the delay of one day without any explanation. He also contended that there is general allegation against all accused persons and no specific role is assigned to the present applicant. He further contended that co-accused Riaz, Hakim and Manzoor, whose case is altogether on same footing, have been granted extra-ordinary concession of pre-arrest bail by the trial Court.

hence, on the principle of consistency and equal treatment the applicant is entitled to concession of bail. *1/8*

4. Learned Addl. P.G does not oppose the bail application, mainly for the reason that co-accused Riaz, Hakim and Manzoor, whose case is identical, have been extended concession of pre-arrest bail by the trial Court.

5. No doubt the applicant is named in the FIR and is also shown to be armed with gun at the relevant time; nevertheless co-accused Riaz *alias* Riaz Khan, Hakim *alias* Haku *alias* Hakim Ali and Manzoor Ahmed, who are also nominated in the FIR with the same allegation of abducting the complainant's daughters, have been granted extra-ordinary concession of pre-arrest by the trial Court, mainly on the ground of no objection extended in their favour by the Prosecutor as well as the Counsel representing the complainant, as such, the principle of consistency is fully attracted to the case of present applicant. The case of applicant is not only at par rather is on better footings than that of co-accused who have been granted pre-arrest bail.

6. Accordingly, instant bail application is allowed. The applicant is directed to be released on bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R. bond in the like amount to the satisfaction of trial Court.

JUDGE