

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

Cr. Bail Application No.S-430 of 2026

Applicant : Muhammad Arif Arain,
Through Mr. Saad Salman Ghani,
Advocate

The State : Mr. Irfan Ali Talpur,
Deputy Prosecutor General.

Date of hearing : 27.04.2026.
Date of order : 27.04.2026.

ORDER

RIAZAT ALI SAHAR, J.- The applicant, having been declined bail by the learned Trial Court, has filed the present application under Section 497 Cr.P.C., seeking post-arrest bail in Crime No.02 of 2026, registered at Police Station ACE Hyderabad, for offences punishable under Section 161 PPC read with Section 5(2) of the Prevention of Corruption Act, 1947.

2. Briefly stated, the prosecution case is that an FIR was lodged by complainant Mst. Ghazala before the Anti-Corruption Establishment, Hyderabad, alleging that during the processing of her retirement papers, one Muhammad Arif, the present applicant, serving as Clerk/Accountant, exploited her vulnerable position by falsely claiming that her fingerprints did not match the official record. It is alleged that under the threat of withholding her retirement benefits, he extorted an amount of Rs.16,48,000/- from her. After receiving the said illegal gratification and facilitating issuance of her L.P.R. on 10.12.2025, the applicant allegedly resumed harassing and threatening the complainant by demanding 60% share of the L.P.R. amount and threatening to misplace her service book so as to obstruct issuance of pension. Upon such complaint, the officials of Anti-Corruption Establishment conducted a raid, arrested the applicant from his office, and registered the instant FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated with mala fide intention. It was argued that the complainant retired on 28.08.2025 and received her pensionary benefits on 10.12.2025, whereas the FIR was registered on 17.02.2026, which creates serious doubt regarding the prosecution story. It was further submitted that although the FIR alleges payment of Rs.16,48,000/-, no bank account details or lawful source of such substantial amount have been disclosed. It was also argued that no witness has been cited in whose presence such payment was allegedly made, and no part of the said amount was recovered from the possession of the applicant. Learned counsel prayed for grant of bail.

4. Conversely, learned DPG opposed the application and submitted that the applicant was apprehended red-handed with tainted money and a cheque amounting to Rs.4,50,000/-. He further contended that the complainant's service and pension books had been unlawfully withheld by the applicant for the purpose of extortion and the same were recovered on his pointation. He prayed for dismissal of the application.

5. I have heard learned counsel for the applicant, learned DPG for the State, and have gone through the available record.

6. The mashirnama of tainted money reflects that six currency notes of Rs.5,000/- each were arranged by the Circle Officer and allegedly recovered from the possession of the applicant under a separate mashirnama during the raid conducted by the ACE officials under supervision of learned Judicial Magistrate-XII, Hyderabad. However, the supervision report prepared by the learned Magistrate reflects that only five currency notes of Rs.5,000/- each, bearing noted numbers, were recovered from the possession of the applicant. Thus, the report of the learned Magistrate materially conflicts with the mashirnama relating to tainted money and recovery proceedings. Furthermore, the alleged recovery was not witnessed by any independent private person, and the role of the Magistrate during the raid appears merely passive. Such omissions and discrepancies create doubt in the prosecution case

even at this tentative stage, which benefit the accused. It is a settled principle of law that at bail stage the Court is not required to conduct a deeper appreciation of evidence; however, where the material on record does not furnish reasonable grounds for believing that the accused has committed a non-bailable offence, but rather calls for further probe, the case falls within the ambit of Section 497(2) Cr.P.C.

7. It is by now well-settled that in cases of further inquiry, grant of bail is the rule and refusal is an exception. At this stage, the material available on record is insufficient to establish reasonable grounds for believing that the applicant is guilty of the alleged offence. The factual controversy involved requires deeper appreciation of evidence, which can only be undertaken during trial.

8. In view of the above discussion, the case of the applicant squarely falls within the ambit of further inquiry. Consequently, the instant bail application is allowed, and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. It is clarified that the observations made herein are tentative in nature and shall not, in any manner, influence the trial Court in deciding the case on merits.

JUDGE

Shahid