

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

Criminal Bail Application No.S-1493 of 2025

Applicant: Muhammad Essa @ Esso through Mr. Rasool Bux @ R.B. Solangi, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh along with Inspector Syed Asif Abbas Shah SHO PS Tando Ghulam Hyder and ASI Fayaz Ali Jagsi.

Complainant: Muhammad Usman Noohani in person.

Date of hearing: 04.05.2026.

Date of order: 04.05.2026.

**ORDER**

**RIAZAT ALI SAHAR, J:** - The applicant Muhammad Essa @ Esso son of Muhammad Qasim seeks pre-arrest bail in a case registered against him at Police Station Tando Ghulam Hyder, District Tando Muhammad Khan vide Crime No.150 of 2025 under Sections 506/2, 337-F (v), 337-L (ii), 504, 35 PPC.

**2.** Learned counsel for the applicant/accused, while arguing in support of this pre-arrest bail application under Section 498 Cr.P.C., has reiterated the grounds taken therein and contended that the applicant is innocent and has been falsely implicated in the present case due to *mala fide* and ulterior motives arising out of admitted enmity between the parties. He further contended that the FIR has been lodged with inordinate and unexplained delay of about 46 days, which reflects deliberation and consultation. Learned counsel further contended that the role attributed to the present applicant is general and not specific and the case squarely calls for further inquiry. He further contended that co-accused persons, having identical roles, have already been granted pre-arrest bail by the learned trial Court, therefore, the case of the present applicant stands on the same footing. He, therefore, prayed for grant of bail to the applicant/accused.

**3.** Conversely, learned D.P.G. has opposed the grant of pre-arrest bail and supported the allegations leveled in the FIR. Complainant present in person has also opposed the bail application.

4. I have heard the learned counsel for the parties and perused the material available on record. From the tentative assessment, the following aspects have emerged:

- (a) The FIR was lodged with a delay of about 46 days without any plausible or convincing explanation, which *prima facie* suggests deliberation, consultation, and possible fabrication.
- (b) Admittedly, there exists prior enmity between the parties, as also reflected from the contents of the FIR and previous litigations, including revenue and civil proceedings, which lends support to the plea of false implication.
- (c) The allegations in the FIR reveal that almost all male members of one family have been nominated, which *prima facie* indicates exaggeration and *mala fide* on the part of the complainant.
- (d) The role attributed to the present applicant/accused is general and omnibus in nature, which requires deeper appreciation of evidence at trial.
- (e) The prosecution case is primarily based upon statements of interested and related witnesses, with no independent corroboration available on record at this stage.
- (f) The offences alleged, except certain sections, do not fall within the prohibitory clause of Section 497 Cr.P.C., and even otherwise, the matter appears to require further inquiry within the meaning of Section 497(2) Cr.P.C.
- (g) The admitted background of disputes, including prior litigation between the parties, strengthens the possibility of false implication due to personal vendetta.
- (h) The case of the present applicant is stated almost to be on the same footing as that of co-accused who have already been granted pre-arrest bail and no distinguishing feature has been pointed out to deny similar relief.
- (i) The applicant is not shown to be a previous convict or a hardened criminal, nor is there any material to suggest that he would abscond or misuse the concession of bail.
- (j) It is a settled principle of law that grant of bail in cases not falling within the prohibitory clause is a rule and refusal is an exception, particularly where the case calls for further inquiry.

5. In view of the above circumstances, I am of the considered opinion that the applicant has made out a case for confirmation of pre-arrest bail. Accordingly, the interim pre-arrest bail already granted to the applicant vide order dated 05.12.2025 is hereby **confirmed** on the same terms and conditions.

**6.** It is clarified that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits. In case of misuse of the concession of bail, the trial Court shall be at liberty to proceed in accordance with law, including cancellation of bail.

**7.** Criminal bail application stands **allowed.**

JUDGE

Abdullah Channa/PS\*