

IN THE HIGH COURT OF SINDH,
AT KARACHI.

Cr. Bail application No. 000 of 2000

Mohammad XXXXXXXXXXXX & 2 others. Applicant.

V e r s u s

The State Respondent.

XXXXX son of OOOO

Muslim, adult, resident of

House No.F-54/1 Dehli Colony,

Stadium Road,

Karachi. Applicant/Surety.

APPLICATION UNDER SECTION 561-A Cr.P.C

FOR RETURN OF SURETY DOCUMENTS

It is most respectfully prayed on behalf of the applicant/surety as under:

1. That originally accused persons Dr. XXXXX, his wife Mrs. OOOOOOOO and daughter Miss. OOOOOOOO were facing trial under Ehtesab Ordinance 1996 bearing Ehtesab Reference No.16/1997. During proceedings of the Ehtesab

- case, NAB Ordinance 1999 was promulgated and enforced under which proceedings bearing Reference No.03/2000 (Old Reference No.16/1997).pending before Ehtesab Court stood transferred under The NAB Ordinance . Accused M. Usman Farooqui was on bail in the Ehtesab Reference No.16/1997 and the surety of Rs.1,00,00,000/- (Rupees One Corer Only) vide order dated 04-06-1998 was duly furnished and accepted.
2. All the three accused were convicted under the NAB Ordinance, however on appeal the case was remanded back for retrial. An application was moved for all the three accused vide order dated 06-09-2000 granted bail to all the three accused persons in the sum of Rs.10,00,000/- (Rupees One Million) each as surety in the above application.
 3. That the applicant/surety submitted the original documents of immovable property bearing House No.F-56/ Dehli Colony, Stadium Road, Karachi belonging to the applicant/surety for the three accused persons namely Mohammad Usman Farooqui, his wife Mrs. Anisa Farooqui and his daughter Miss. Sharmila Farooqui vide bond Nos.33341 dated 07-09-2000 before the Nazir of this Hon'ble Court.
 4. That after remanding of the case to the trial Court the accused persons entered into plea bargaining which was duly accepted and the prosecution was allowed to withdraw the reference.
 5. Consequent upon plea bargaining all the three accused persons were released as such the surety stand discharge.
 6. It is therefore prayed that the surety documents of the bungalow may kindly be returned back to the applicant/surety. It is pertinent to mention that the documents were with the Habib Bank Limited which bank has given 30-10-2007 as the last chance to furnish the documents for the purpose of redeeming the mortgaged otherwise the property of the applicant would be forfeited.
 7. If the documents are not returned the Applicant shall suffer irreparable financial loss.

8. That this application is made in the interest of justice.

Karachi;

Advocate for the Applicant/surety

Dated: October 6, 2007