

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

**Crl. Bail Application No.S-771 of 2025**

Applicant: Ali Ahmed son of Nihal Khan through  
Mr. Muhammad Zakaria Baloch, Advocate.

Complainant: Mst. Anusha daughter of Qasir Shahni  
through Mr. Sodagar Ali Solangi, advocate.

For the State: Mr. Ghulam Murtaza Mallah, Assistant P.G.

Date of hearing: 16-09-2025

Date of Order: 16-09-2025

**ORDER**

**Jan Ali Junejo, J.** – The applicant has moved this application under Section 497, Cr.P.C seeking his release on post-arrest bail in Crime No. 57 of 2025 registered at P.S. Bhan Saeedabad under Sections 375-A, 376, and 365-B, P.P.C. The Applicant had earlier filed Pre-Arrest Bail Application No. 499 of 2025 and Post-Arrest Bail Application No. 60 of 2025 before the Court of learned 2nd Additional Sessions Judge, Jamshoro at Kotri, which were both dismissed on 12.05.2025 and 30.05.2025 respectively on merits.

2. The prosecution case, as narrated in the FIR lodged by the complainant (victim), is that she was abducted by co-accused Toufique and Rafique, who initially subjected her to zina. Thereafter, she was forcibly taken to another location, where the present applicant Ali Ahmed and his son Waheed allegedly committed zina with her on multiple occasions. Subsequently, she was rescued and produced before the learned Magistrate, where her statement under Section 164, Cr.P.C. was recorded, fully implicating the present applicant. It is further noted that the applicant/accused had earlier filed Pre-Arrest Bail Application No. 499 of 2025 and Post-Arrest Bail Application No.

60 of 2025 before the learned 2nd Additional Sessions Judge, Jamshoro at Kotri, both of which were dismissed on merits on 12.05.2025 and 30.05.2025 respectively. The applicant has now approached this Court.

3. Learned counsel for the applicant argues that no direct role was attributed to the applicant in the FIR at the initial stage. He contends that there is an unexplained delay of four days in the lodging of the FIR, which casts doubt on the prosecution story. He submits that the applicant has been falsely implicated on account of enmity and earlier litigation involving his niece. He maintains that the statement of the complainant under Section 164, Cr.P.C. suffers from material contradictions and was recorded in violation of mandatory provisions of law. He further argues that the applicant has been in custody since 12.05.2025, and therefore his case falls within the ambit of further inquiry. Lastly, learned counsel prays that the applicant be granted the concession of bail.

4. Conversely, learned Assistant Prosecutor General assisted by learned counsel for the complainant vehemently opposed the bail application, contending that the applicant is specifically nominated with a clear role of committing zina with the victim. It is further argued that the victim has consistently supported the prosecution case in her statement under Section 164, Cr.P.C. It is further contended that medical evidence corroborates the allegation as the hymen was found ruptured. They further contended that DNA report is awaited, which is a crucial piece of corroborative evidence. It is further argued that the offence is heinous, punishable with death or imprisonment for life, falling within the prohibitory clause of Section 497(1), Cr.P.C, hence no case for bail is made out.

5. I have heard the arguments advanced by the learned counsel for the applicant, the learned counsel for the complainant, as well as the learned Assistant Prosecutor General representing the State, and have carefully perused the record available at this stage. Upon tentative assessment of the

material on record, it emerges that the applicant is specifically named in the FIR and is directly implicated in the statement of the victim recorded under Section 164, Cr.P.C., with a clear allegation of committing zina with her on multiple occasions. The victim's statement before the learned Magistrate is not only detailed and consistent but also lends full support to the version set out in the FIR. At the stage of deciding bail, such a direct and coherent ocular account from the victim cannot lightly be discarded or brushed aside. The medical examination dated 21.04.2025 reveals rupture of the hymen, which prima facie corroborates the allegation of sexual assault. Although tentative in nature, the medical evidence is consistent with and supports the prosecution's case. As regards the contention of delay in lodging the FIR, the record demonstrates that the complainant was in unlawful confinement of the accused for several days and was only able to lodge the report upon her release. In such circumstances, the delay has been plausibly explained and does not, by itself, cast doubt on the veracity of the prosecution story. Furthermore, no mala fides on the part of the complainant have been established, nor has any material been brought on record to suggest that such a grave allegation has been concocted or that the applicant has been falsely implicated without cogent reasons. The plea of contradictions in the victim's statement under Section 164, Cr.P.C., as well as the alleged illegality in the manner of its recording, are matters that require evidence and appreciation at trial and cannot be conclusively adjudicated upon at the bail stage. It is a settled principle of law that where reasonable grounds exist to believe that an accused has committed an offence falling within the prohibitory clause of Section 497, Cr.P.C., the grant of bail is not a matter of right. In the present case, the material available on record, including the consistent statement of the victim and the supporting medical evidence, provides sufficient grounds to connect the applicant with the commission of the alleged offence. The case of

the applicant, therefore, squarely falls within the prohibitory clause, disentitling him to the concession of bail at this stage.

6. In view of the foregoing discussion and upon tentative assessment of the available material, I am of the considered opinion that the applicant/accused has failed to make out a case for grant of bail. The victim's detailed and consistent statement recorded under Section 164, Cr.P.C., duly supported by medical evidence, prima facie establishes reasonable grounds to believe that the applicant has committed the alleged offence. The nature of the accusation is grave, involving a heinous crime that not only violates the dignity of the victim but also strikes at the moral fabric of society at large. In such circumstances, the applicant is not entitled to the concession of bail, particularly when the case squarely falls within the prohibitory clause of Section 497, Cr.P.C.

7. For the foregoing reasons, the instant bail application, being devoid of merits, is hereby dismissed. The observations made herein are purely tentative in nature and confined to the present order, and shall not prejudice the case of either party at the time of trial. The learned trial Court is directed to proceed with the matter expeditiously in accordance with law. These are the detailed reasons for the short order announced on 16.09.2025.

**JUDGE**

Ahmed/Pa,