

**IN THE HIGH COURT OF SINDH, KARACHI.**

**Cr. Bail Appln. No.2286 of 2025**

Applicant : Muhammad Rahil Khan s/o Muhammad Hanif Khan  
through Mr. Faiq Ahmed Soomro, advocate.

Respondent : The State  
through Mr. Tahir Hussain Mangi,  
Assistant Prosecutor General, Sindh.

Date of hearing : 01.10.2025.

Date of Order : 31.10.2025.

**O R D E R**

**MIRAN MUHAMMAD SHAH, J:-** Through the instant Criminal Bail Application, the applicant above named seeks his pre-arrest bail in Crime No.954 of 2025, for offence under Sections 376, 354, 342 and 34 PPC, registered at police station Zaman Town, Karachi. The applicant has approached Court of District and Sessions Judge, Karachi East for pre-arrest Bail vide Criminal Bail Application No.3751 of 2025, however, it was assigned to learned VII<sup>th</sup> Additional Sessions Judge/special GBV Court, Karachi (East), who after hearing the parties has declined the request vide order dated 02.09.2025. Hence this application.

2. The brief facts of the prosecution case are that on 03.08.2025, the complainant dropped his daughter at her friend Muskan's house in Saudabad, Malir. Later, both girls went missing. Around 9:30 pm, Haiba called and was found on Korangi Creek Road. She allegedly disclosed that she had befriended one Sami @ Salar on Snapchat and, on the said day, met him and his friend "Kaku" at Alpine Ice Cream Shop, Model Colony. The accused allegedly took the girls in a grey car to a vacant house near Imam Moosa Kazim Imam bargah, Bhattai Colony, Sector D, where they detained and assaulted her. Hence, the instant FIR lodged against the applicant/accused.

3. The learned counsel for the applicant submits that the applicant/accused is innocent and has falsely been implicated due to malafide intentions and ulterior motives; that the trial court erred in dismissing bail by relying solely on the nickname "Kaku" in the FIR, which lacks any corroborative evidence, identification, or proper particulars linking it to the applicant and three (03) days delay in

lodging the FIR, despite the alleged victim's recovery the same day, raises serious doubt about the prosecution's version; that the statements under Sections 161 and 164 Cr.P.C. materially contradict the FIR, suggesting tutoring or investigative pressure and no eyewitnesses, including the alleged companion Muskan, nor any mashirs or neighbors, have been examined; that the medical evidence alone cannot sustain the allegations, and no challan has been submitted, showing the investigation is incomplete and the applicant/accused is ready to cooperate and furnish surety. As the case requires further inquiry and appears tainted with malice and harassment, bail is justified to prevent misuse of the process. He lastly prays for confirmation of the interim pre-arrest bail granted to the applicant/accused.

4. On the other hand, the learned Assistant Prosecutor General, Sindh along with the complainant present in court assisting the Court, vehemently opposed the confirmation of the pre-arrest bail on the ground that the victim Mst. Hiba in her statements recorded under Sections 161 and 164 Cr.P.C, has fully implicated the present applicant/accused, as the present applicant/accused was driving the car in which the victim along with her friend was taken to the place of incident where co-accused Sami allegedly repeatedly committed forcible zina with her and thereafter, the present applicant/accused entered the room and attempted to commit her rape. Moreover, the present applicant/accused allegedly facilitated the main accused in the commission of rape and while standing outside the room, threatened and harassed the victim's friend namely Muskan. Therefore, prayed for dismissal of the applicant's bail application.

5. I have heard learned counsel for the parties and gone through the material available on the record. It is the mere statement of the victim, which is sufficient to involve an accused in the offence of rape, as being held by the Hon'ble Supreme Court, the reliance is placed upon the case law reported as **2020 S.C.M.R. 2053**, which is reproduced as under:-

**"He lived in the neighborhood and apparently neither the prosecutrix nor her husband, an electrician, who managed a**

shop, usually throughout the day, had an axe to grind at the cost of their family honour. Investigative conclusions vindicate stance taken by the prosecutrix whose statement coupled with the attending circumstances of the case constitute reasonable grounds within the contemplation of subsection (2) of section 497 of the Code of Criminal Procedure, 1898, standing in impediment to his release on bail."

From the prosecution's story it transpires that the name of Kaku as narrated by the victim in her statement, is the same person, who is present applicant/accused in this matter. As he was facilitator as well as driver of the car, in which the victim and her friend were brought to the place of the incident. It was also alleged that the present applicant/accused entered in the room and beat up the victim. The offence allegedly committed by the present applicant/accused falls within the prohibitory clause and is considered to be an heinous offence, hence, no leniency can be taken at the stage of bail before arrest. Even the ingredients of section 498 Cr.P.C. for admitting the present applicant/accused to bail are missing and no proof of any malice and ulterior motives has been placed on record favouring the present applicant/accused as to show his false implication in the case. Pre-arrest bail is meant to protect the innocent citizens if they are found to have been involved due to mala fide or ulterior motives. The medical evidence also fully corroborates with the victims statement.

6. In view of the above discussion, the case of the present applicant/accused has not made out a case for confirmation of his earlier granted pre-arrest bail. Accordingly, the instant pre-arrest bail application is rejected. The interim pre-arrest bail already granted to the present applicant/accused on **04.09.2025** is hereby declined. These are the detailed reasons of my short order dated 01.10.2025.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not influence the learned Trial Court while deciding the case of either party at trial.

8. This bail application stands disposed of in the above terms.

**JUDGE**

