

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st. Criminal Bail Application No.S- 95 of 2025

Applicant:	Aamir Ali son of Deedar Ali Dero, through Mr. Agha Zeb Hussain Pathan, Advocate.
The Complainant:	Aziz Ahmed, through Mr. Syed Kazim Raza Shah, Advocate
The State:	through Mr. Nazir Ahmed Bhangwar, DPG.
Date of hearing:	28-03-2025
Date of Order:	28-03-2025

ORDER

Jan Ali Junejo, J.—The applicant, Aamir Ali, seeks post-arrest bail in FIR No.01/2025 registered at PS Dokri under Sections 354-A, 452, 506/2, 337-A(i), F(i), 504, and 34 PPC. Initially, the applicant submitted Bail Application No. 228 of 2025 before the Sessions Court. The said application was later transferred to the Court of the Additional Sessions Judge-IV in Larkana, where it was dismissed through order dated February 18, 2025.

2. The prosecution's case, as outlined in the FIR, alleges that on January 22, 2025, at approximately 6:30 pm, accused Aamir Ali (resident of Mandhra Village) and two unidentified armed accomplices forcibly entered the residence of complainant Aziz Ahmed in Muhammad Shah Muhalla, Dokri, with criminal intent. Upon entry, the accused subjected Aziz's 20/21-year-old daughter, Mst. Humera, to a brutal assault dragging her by her hair, tearing off her clothes (rendering her naked), and repeatedly striking her with kicks and punches. Simultaneously, they attacked Aziz's nephew, Tanveer Ali, by striking his head with a pistol

butt, inflicting a bleeding injury. Throughout the incident, the accused issued death threats against the family and hurled abusive language, only ceasing their assault and fleeing the scene after persistent pleas from the victims. Due to the severity of the injuries, Aziz Ahmed prioritized securing medical treatment for the victims before formally reporting the incident to the police on January 29, 2025. The FIR charges Aamir Ali and his unidentified accomplices (whose faces were exposed and thus identifiable) under relevant penal provisions for offenses including armed trespass, physical assault, sexual humiliation, criminal intimidation, and obscenity, with the investigation currently ongoing to ascertain further details and apprehend the remaining suspects.

3. The applicant's counsel contends that Aamir Ali is falsely implicated due to a personal grudge, as the FIR's allegations of forced house intrusion and assault are fabricated and lack credibility. Highlighting a 7-day unexplained delay in lodging the F.I.R despite the police station's proximity (2–3 km), counsel argues inconsistencies between the FIR's narrative and the victim's police statement, which describes a street altercation, not a home invasion. It is further contended that the Complainant's nephew, a key witness, is inter-related to the applicant, indicating bias. Counsel asserts the charges (Sections 354-A, 506/2 PPC) are overblown and require trial-stage scrutiny, emphasizing the applicant's clean record, presumption of innocence, and risk of police maltreatment. He stresses the case warrants "further inquiry" under Section 497 Cr.P.C., as no credible evidence links the applicant to the offence, and he pledges to cooperate without absconding or tampering with evidence. Lastly, the learned counsel prays for grant of bail to the applicant.

4. The learned Counsel for the Complainant and DPG oppose bail, asserting the applicant is prima facie connected to grave offences under Section 354-A PPC (punishable by death/life imprisonment), which falls under the prohibitory clause of Section 497 Cr.P.C. The FIR's allegations—house intrusion, stripping the victim, and circulating an “immoral video”—are corroborated by witness statements under Section 161 Cr.P.C. and physical evidence (torn clothes, injuries). It is further argued that the USB video, captured and uploaded by the applicant, solidifies his role in humiliating the victim, causing irreparable societal harm. While conceding a 7-day FIR delay, was properly justified and dismisses contradictions as minor. It is further contended that the applicant's history of evidence manipulation (via the video) heightens risks of witness intimidation, and granting bail would undermine deterrence in gender-violence cases. Lastly, the learned Counsel prayed for dismissal of bail.

5. I have carefully considered the submissions made by the learned counsel for the Applicant as well as the arguments advanced by the learned Counsel for the complainant and learned Deputy Prosecutor General (DPG) representing the State. I have also undertaken a tentative assessment of the evidentiary material available on the record, as permissible at the bail stage under established legal principles. A review of the record reveals that the Applicant is explicitly named in the First Information Report (FIR) as the principal offender. It is alleged that the Applicant forcibly entered the complainant's residence, assaulted the victim by tearing her clothes, and subjected her to public humiliation. The FIR attributes direct and active participation to the Applicant, citing

offences under Sections 354-A, 452, and 506(2) of the Pakistan Penal Code (PPC). These allegations are substantiated by witness statements recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.). It is pertinent to note that the offence under Section 354-A PPC pertaining to sexual harassment and forcibly disrobing a woman to disgrace her carries a punishment of death or life imprisonment. Accordingly, this offence falls within the prohibitory clause of Section 497 Cr.P.C., which restricts the grant of bail in cases where the offence is punishable with death or life imprisonment. Although the authenticity of the video evidence is disputed by the defense, it prima facie supports the prosecution's allegations of sexual violence and public exposure. The delay in lodging the FIR, which is often seen in cases involving honour and societal stigma, is satisfactorily explained in the context of the familial and cultural pressures commonly faced by victims. Hence, the delay does not cast doubt on the credibility of the complainant. Furthermore, the statements of witnesses recorded under Section 161 Cr.P.C. are in consonance with the allegations in the FIR. While the video evidence is subject to forensic verification, its contents at this stage constitute prima facie material indicating the Applicant's culpability. Granting bail in offences involving sexual violence and public humiliation not only undermines the preventive and deterrent objectives of criminal law but also erodes public confidence in the justice system. The alleged act of the Applicant in disseminating the video further indicates a malicious intent to misuse technological means and tamper with evidence. Given the serious nature of the allegations, the bar on bail under Section 497 Cr.P.C., and the broader interests of justice and societal morality, the Applicant does not merit the concession of bail at this stage. It is worth noting that under similar circumstances, this Court denied bail in the case

of *Shafquat Ali alias Gagoo v. The State* (2004 MLD 435), wherein this Court held: *“The perusal of material placed on record shows that the minor girl aged about 7 years was abducted by the applicant/accused party. They after causing grievous and simple injuries to the girl of tender age attempted to molest her. The injuries on the person of victim are corroborated by medical certificate. Nothing has been placed on record from which it could be said that the case is outcome of enmity or any prosecution witness is biased against the complainant party. So for the delay in lodging the F.I.R. or recording of 161, Cr.P.C. statements of prosecution witnesses is concerned is not sufficient for grant of bail in each and every case. In this context I am fortified by the decision of apex Court in the case of Imtiaz Ahmed and another v. The State reported in PLD 1997 SC 547. Moreover, it is well settled that for the purpose of bail detailed evaluation of evidence cannot be made but only tentative assessment is warranted by law”*.

6. In light of the exhaustive legal analysis and compelling reasons delineated in the foregoing paragraphs including the gravity of the charges under Section 354-A PPC, the corroborative evidentiary value of the immoral video, the societal imperative to deter gender-based violence, and the prohibitory constraints of Section 497 Cr.P.C. the instant bail application stands dismissed. The observations articulated in this order are tentative in nature, confined solely to the adjudication of bail, and shall in no manner pre-judge, influence, or prejudice the substantive merits of the case during trial proceedings. The trial Court is hereby directed to expedite the conclusion of the trial, ensuring strict adherence to principles of due process and justice.

These are the reasons for short order dated 28.03.2025.

JUDGE