

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.1493 of 2024

Date	Order with signature of Judges
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For hearing of Bail Application.

11.09.2024.

M/s. Muhammad Usman and Shahid Yaseen, Advocates for the Applicants.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.

Mohammad Karim Khan Agha, J:- Applicant Muhammad Shahzad was booked in FIR No.523/2024 under Section 496-A PPC registered at PS SSHIA, Karachi. He applied for post bail before Court of Vth Additional Sessions Judge Malir Karachi which was declined vide order dated 24.06.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that when the complainant returned home from his work he was informed that his wife Dilshad and eight children were not at home. Upon inquiry from his elder son he found that his wife had taken two children/sons namely Ayan aged 8 and Ahad aged 5 with her somewhere. He then received information that a person named Shakir had persuaded his wife to come with him with intention to commit rape and kidnap her along with her children Ayan and Ahad. Rs.25000/- in cash and gold item was also stolen from his house hence the aforesaid FIR was lodged against the present applicant/accused.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh. Complainant had earlier reposed his full faith and confidence in learned Addl. P.G.

4. The maximum sentence available for the offence under which the applicant has been charged is 07 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no

exceptional circumstance existing in this case in order to decline the bail. Applicant is not named in the FIR. FIR itself seems strange one as apparently Mst. Dilshad was kidnapped along with her children Ayan aged 8 and Ahad aged 5. Neither the statements of both the children have been recorded to show where the mother had taken them or whether they were present during the alleged raped. It seems astonishing that mother would take two young sons/children with her if the intention was rape and kidnap by Shakir who had allegedly called her. It appears that the applicant Shahzad might have been involved in the offence as from the Statement 164 of Dilshad the alleged lady who was rapped and kidnapped however, he was also not put before an identification parade. Medical report does not show any violence on the body of Mst. Dilshad to support that she had been rapped. No sperm was recovered from her body or clothes. No DNA has been found.

5. In my view this is a case of further inquiry against the applicant Shahzad. He has already spent about 5 months in jail and charge has only been framed.

6. As such the applicant **Muhammad Shahzad s/o Ranjho** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

8. The instant criminal bail application stands disposed of in the above terms.

JUDGE