

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.1524 of 2024.

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

10.10.2024.

Mr. Faiq Hussain, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General along with
SIP Gulzar Hussain, PS Shah Zaman Town, Karachi.

Mohammad Karim Khan Agha, J:- Applicant Mashqoo Ali was booked in FIR No.291/2024 under Section 376/511/34 PPC registered at PS Shah Latif Town, Karachi. He applied for pre arrest bail before Court of VIIth Additional Sessions Judge Malir Karachi which was declined vide order dated 26.06.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant Mst. Shabana Bibi has lodged the FIR on 07.03.2024 in respect of the incident which took place on 06.03.2024 whereby she states that on 06.03.2024 her daughter namely Humaira aged about 11/12 years went out home to purchase milk from shop when applicant and his co-accused took away her daughter Humaira to his house at Sector 30-A, Dur Muhammad Goth Shah Latif Town Malir Karachi and the applicant attempted to make Zina with her daughter. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh as well as Complainant Shabana Bibi, mother and Noor Ahmed, father of victim Humaira.

4. This is a case to attempt to rape which is a serious one. The FIR was lodged after delay of one day and I do not find that this is fatal to the case of prosecution under the facts and circumstances of the case. However, there is no chemical report or other evidence to suggest that the attempted rape took place except the evidence

of victim Humaira. Complainant Shabana Bibi who is mother of the victim stated that she lodged the FIR on the basis of some misunderstanding and as such she has no objection to the grant of bail to the applicant Mashooq Ali likewise her husband Noor Ahmed, who is also present in Court. Ordinarily affidavit of no objection to the grant of bail in such like cases has little weight. However, in this case based on the fact that complainant has stated that FIR has been lodged on the basis of some misunderstanding and there is no chemical report, medical evidence to support the fact of attempt to rape and the victim herself does not even object to the grant of bail.

5. Based on the above discussion, the applicant **Mashooq Ali s/o Noor Muhammad Shah** granted pre-arrest bail on 10.07.2024 is hereby confirmed on the same terms and conditions.

6. Copy of this order shall be sent to Vth Additional Sessions Judge Malir Karachi who shall record the evidence of the complainant and victim within one month of the date this order and thereafter disposed of the case expeditiously. 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.

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

JUDGE

MAK/PS