

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.596 of 2025

Applicant : Mst. Ayesha D/o Shamsul Islam Siddiqui,  
Through Mr. Sajjan Ali Kandhro, Advocate

Respondent : The State  
Through Ms. Rubina Qadir, DPG Sindh duly  
assisted by Mr. Fareed Hussain, Advocate for  
the complainant

Date of hearing : 29.05.2025

Date of order : 29.05.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** –The applicant, Mst. Ayesha, seeks pre-arrest bail in a case bearing Crime No.122 of 2024, for offence under Sections 379, 427, and 34 PPC of P.S. SITE Super Highway, Karachi. The applicant's plea for bail was declined by the learned Additional Sessions Judge-VI, Malir, Karachi, vide order dated March 25, 2024.

2. The pertinent facts, as stated by the complainant, are that on September 23, 2023, her brother Usman alias Kobra, along with his wife Jameela, and Saleem Siddiqui, accompanied by Shazia, Ismail, Ayesha, and Muhammad Zakir, forcibly entered her house and ousted her. Subsequently, she registered FIR No. 1147 of 2023 offence under Sections 337-A(i), 506, 504, 354, 147, and 149 PPC. Thereafter, upon returning to her house on September 26, 2023, she discovered numerous household items missing, including a 32-inch LED TV, a Dialance company refrigerator, 1 Tola of gold, a UPS and complete solar system valued at Rs. 90,000/-, a microwave oven, a dinner set, kitchen articles, a gas cylinder, an Infinix touch mobile phone valued at Rs. 44,000/-, and clothing. She also noted that the door locks had been broken. Upon inquiry, a neighbor, Advocate Abdul Latif, informed her of the facts.

3. This Court has heard the learned counsel for the applicant and the Deputy Prosecutor General (DPG) for the State. The learned DPG has conceded to the arguments advanced by the learned counsel for the applicant, acknowledging that the applicant's case is on the same footing as that of co-accused persons, namely Usman Siddiqui and Mst. Taji, who

have already been granted bail by this Court vide order dated June 27, 2024 and Mst. Shazia, whom post arrest bail has been granted by the learned trial court vide order dated 05.04.2025.

4. Since co-accused Saleem Siddiqui, and Mst. Taji, facing similar allegations, have already had their pre-arrest bail confirmed by this Court, and Mst. Shazia on post arrest bail granted by the learned trial court, hence the applicant also deserves the same concession based on the rule of consistency. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court in *Muhammad Ramzan v. The State* (1986 SCMR 1380), wherein the following observation was made:

*“...3. After hearing the learned counsel we feel that prima facie, at this stage, the case of the petitioner is not distinguishable from that of others to whom bail has been allowed. No useful purpose would be served if the bail of Zafar Ullah Khan respondent is cancelled on any technical ground because after arrest he would again be allowed bail on the ground that similarly placed other accused are already on bail. We, therefore, in the circumstances of this case, do not consider it a fit case for grant of leave to appeal. This petition accordingly, is dismissed.”*

5. Given the foregoing, the applicant has, *prima facie*, succeeded in establishing a case for further inquiry as envisaged under Section 497(2) Cr.P.C., primarily on the basis of the rule of consistency. Accordingly, the interim pre-arrest bail granted to the applicant on March 10, 2025, is hereby confirmed on the same terms and conditions with the directions to join investigation/trial.

**JUDGE**