

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Bail Application No.S-348 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

17.06.2025.

Mr. Ahmed Nawaz H.M Chang, Advocate for applicant/accused is present, however, applicant/accused Abu Bakar is called absent.

Mr. Nadeem Rind, Advocate for complainant a/w complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State.

ORDER

Amjad Ali Sahito, J:- Through the instant Bail Application, applicant/accused Abu Bakar s/o Muhammad Chang is seeking pre-arrest bail in crime No.651 / 2024 registered at Police Station Badin, for the offence under section 376-B, 34-PPC. Earlier his pre-arrest bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 25.01.2025 and his interim relief was recalled.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The learned Counsel for the applicant/accused argued that the applicant/accused is innocent and he has falsely been implicated in this case. He has further contended that in fact the present applicant/accused Abu Bakar had contracted marriage with Shabana / alleged victim and he had also filed application U/s 17 Guardian & Wards Act-1890, wherein he has claimed one baby namely Dua aged about 3 years. He has further contended that due to such matrimonial dispute, the present

applicant/accused has been falsely implicated in this case, however, applicant/accused is innocent and had not committed any offence. He lastly prayed for confirmation of bail to the applicant.

4. On the other hand, Mr. Nadeem Rind, Advocate files Vakalatnama on behalf of the complainant and same is taken on record. He has vehemently opposed the bail plea of present applicant/accused and contended that the incident had taken place in the year, 2024 whereas the applicant has filed this Guardian & Wards Application in the year, 2025 by cooking a story that he had contracted marriage with alleged victim just to save himself from conviction. He prayed for dismissal of bail plea of applicant/accused.

5. On his turn, learned D.P.G for the State also opposed for confirmation of bail to the present applicant/accused and supported the arguments advanced by the learned Counsel for complainant. He further contended that the ocular evidence finds support from medical evidence. He also prayed for dismissal of bail plea.

6. Heard & perused the record.

7. A tentative assessment of record reflects that the name of the present applicant/accused is appearing in the FIR with specific role that on the day of incident applicant/accused Abu Bakar had committed rape with the sister of the complainant namely Shabana. It further reflects that on 28.11.2024 when complainant noticed that his sister was not present in the house, he alongwith his witnesses namely Muhammad Ramzan, Nawaz & Samad went to search out the sister of complainant and from different places, when they reached at the land of Master Juman Chang they heard voice from sugarcane crop. Upon such voice, when they entered in the crop they saw that the shalwar of the victim has been removed and accused Abu Bakar was committing rape with the alleged victim Shabana. At this, the learned Counsel for the complainant states that the alleged victim is a lunatic as such she is unable to say anything. However, the witnesses in their statement have fully supported version of the complainant. Furthermore, the ocular evidence finds support from the medical evidence. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made. Sufficient material is available on the record which connects the present applicant/accused with the commission of

alleged offence. So far the plea taken by the learned Counsel for applicant/accused that the applicant Abu Bakar had contracted marriage with alleged victim Shabana and has filed Guardian & Wards Application, for which the learned Counsel for the complainant denied such version of the Counsel and states that she had never contracted marriage.

8. In view of the above facts and circumstances, the applicant/accused has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant Criminal Bail Application is **dismissed** and the interim pre-arrest bail granted earlier to the applicant/accused by this Court vide order dated 07.04.2025 is hereby **recalled**.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Ali.