

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS**

**Crl. Bail Application No.S-267 of 2024**

**Applicants:** 1. Muhammad Ameen S/o Imam Bux,  
2. Muhammad Hayat S/o Imam Bux,  
3. Saddam S/o Darya Khan,  
4. Gull Muhammad S/o Imam Bux,  
5. Abdul Hakeem S/o Imam Bux,  
6. Ali Ahmed S/o Darya Khan,  
7. Abdul Jabbar S/o Ghulam Muhammad,  
8. Ghulam Hussain S/o Darya Khan,  
9. Mehrab S/o Muhammad Khan.

Through Mr. Nabi Bux Narejo, Advocate.

**Respondent:** The State.  
Through Mr. Neel Parkash, Deputy P.G Sindh.

**Complainant:** Abdul Bashir S/o Taj Muhammad,  
Through Mr. Mumtaz Ali Jarwar, Advocate  
called absent.

**Date of hearing:** 02.10.2025

**Date of order:** 02.10.2025

**O R D E R**

**Amjad Ali Sahito, J:** Through this Bail Application, the applicants/accused seek pre-arrest bail in F.I.R No.32/2024 for offence under sections 365-B, 376, 343 and 34 P.P.C registered at PS Kaloi, after rejection of their bail plea by the learned trial court vide order dated 15.10.2024.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused are innocent, and the complainant has falsely implicated the applicants in this case; that the F.I.R is delayed for about 52 days for which no explanation has been furnished by the complainant. He further contended that infact the alleged abductee namely Rizwana contracted marriage with Sajid Ali and such Nikahnama and affidavit of freewill is available at page Nos.47 to 51 wherein she has contracted marriage with Sajid Ali. Subsequently, when she

recovered then her uncle has lodged F.I.R against the accused persons. Furthermore, the Abductee Rizwana in her statement has stated that only Sajid Ali and Mehrab have committed the offence and Sajid Ali has committed Zina. Per learned counsel, the main accused Sajid Ali has already been granted bail by the trial court, as such the applicants are also entitled for grant of bail on the role of consistency. Lastly, he prayed for confirmation of the bail.

4. Learned counsel for the complainant is called absent. However, Mr. Moinuddin Akhtar advocate holds brief for Mr. Mumtaz Ali Jarwar, advocate for the complainant and states that latter is out of station. Learned D.P.G has opposed the grant of bail to the applicants/accused.

5. Heard and perused.

6. From the perusal of the record, it appears that the F.I.R. was lodged with an inordinate delay of approximately 52 days, for which no satisfactory explanation has been furnished by the complainant. Learned counsel for the applicants has further drawn attention of this Court to the record, which contains the Nikahnama of the alleged abductee with Sajid Ali, accompanied by her affidavit of freewill, bearing her photograph and signatures. In the said affidavit, the alleged abductee categorically declared that she was neither abducted nor enticed by anyone, and that she had voluntarily solemnized Nikah with Sajid Ali, as her family members were opposed to her marriage.

7. Furthermore, subsequent to the registration of the F.I.R., the statement of the alleged abductee, Rizwana, was recorded under Section 164, Cr.P.C., before the learned Judicial Magistrate, wherein she implicated only two individuals, namely Sajid Ali and Mehrab. It is also noteworthy that the principal accused, Sajid Ali, has already been granted bail by the trial Court; hence, on the ground of consistency, the present applicants are also entitled to similar relief. Except for Sajid Ali and Mehrab, no other accused persons were implicated by the alleged abductee.

8. Moreover, in the Nikahnama and affidavit of freewill, the alleged abductee expressly acknowledged the validity of the marriage contract and did not raise any objection thereto. At the highest, the

alleged offence attributable to accused Sajid Ali would fall within the ambit of the Sindh Child Marriages Restraint Act, 2013, in view of the complainant's assertion that the alleged abductee was 13 years of age at the time of marriage. The punishment provided under the said Act does not exceed three years.

9. Learned counsel for the applicants has also contended mala fides on the part of the complainant, submitting that the entire family of the applicants has been falsely implicated. The applicants have duly joined the investigation and are no longer required for further inquiry. In these circumstances, learned counsel for the applicants has successfully made out a case for the grant of bail within the purview of subsection (2) of Section 497, Cr.P.C. Accordingly, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicants is hereby confirmed on the same terms and conditions.

10. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

**JUDGE**

***\*Faisal\****