

IN THE HIGH COURT OF SINDH KARACHI

CR. BAIL APPLICATION NO.2239 OF 2025

Applicants : Rahim Bux & another
through M/s. Shaukat Hayat and
Azhar Ali Golo, Advocates

Respondent : The State
through Ms. Rahat Ahsan,
Additional Prosecutor General
along with PI Zahid Shah, I.O.

Date of hearing : 23rd September 2025

Date of Order : 10th October 2025

ORDER

Omar Sial, J.: Rahim Bux and Taj Muhammad have sought post-arrest bail in crime number 237 of 2025, registered under sections 322, 337-A(i), 288, 427, 217, 218 & 34 PPC at the Baghdadi Police Station in Karachi. The learned 5th, Additional Sessions Judge, Karachi South, dismissed his earlier bail application vide order dated 30.07.2025.

2. On 09.07.2025, Complainant Hamadullah lodged the F.I.R. mentioned above at the Baghdadi Police Station, reporting that a ground plus five building was constructed in the year 1986, comprising two portions on Plot No. 136, Sheet LY-18, Phota Mansion, Fida Hussain Shaikha Road, Baghdadi Karachi. The building was in a dilapidated condition, and this fact was brought to the knowledge of the owner and the Sindh Building Control Authority officials. Still, they did nothing, and due to their negligence, on 07.07.2025, one portion collapsed, and in this incident, 27 residents lost their lives, and four

persons sustained injuries. Six directors of SBCA, two of its deputy directors, two building inspectors, and two clerks were nominated as accused in the F.I.R. The applicant, Raheem Bux, was ostensibly one of the building's owners.

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General.

4. Rahim Bux is the owner of the building, and Taj Muhammad is his brother. Rahim Bux is approximately 74 years old, and no specific role has been assigned to Taj Muhammad. Rahim Bux is in jail. Ten of the co-accused, all of whom belong to SBCA, have been granted bail. Learned counsel for the applicant has strongly emphasized this point and submitted that the applicant himself is one of the persons who is a victim in this unfortunate incident, and it is extremely unfair that those who allegedly allowed a violation to continue for so many years and looked the other way, and the entire blame is put on the owner.

5. The learned Additional Prosecutor General has been unable to distinguish the case against the applicant from that against the individuals who have been granted bail. On the grounds of consistency, the applicant, too, deserves the same concession. The applicant is an aged and infirm man who is not required for any further investigation.

6. All the offences except 322 PPC are bailable. The punishment under Section 322 PPC, if proved, is payment of diyat, and it does not envisage imprisonment.

7. Given the preceding, the bail application is allowed. The applicants, Rahim Bux, son of Yar Muhammad, and Taj Muhammad, son of Yar Muhammad, are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs. 500,000 each and P.R. Bonds for the same amount to the satisfaction of the learned trial court.

J U D G E